

## **TITLE 28: Ports and Airports**

### **PART 301: Operations and Procedures Manual of the Mississippi State Port Authority at Gulfport**

#### **Part 301 Chapter 1. Mississippi State Port Authority (“MSPA”) – Generally**

##### **Rule 1.1 Description.**

The Mississippi State Port Authority at Gulfport is the only State owned deepwater seaport, and is one of the most easily accessible ports on the U.S. Gulf of Mexico. The MSPA is responsible for the daily operations of the Port of Gulfport. The ship channel and harbor basin are maintained by the U.S. Army Corps of Engineers, in cooperation with the MSPA, with an authorized minimum project depth of 36 feet. Tidal range averages 1.5 feet, with actual depth influenced by wind direction and force. Masters and owners of deep laden vessels should consult with the Port Authority and Gulfport Pilots Association. The Port facilities include two piers, East and West, mooring pile clusters and extensive open storage areas, with modern concrete and steel shipside and transit shed, container and trailer marshaling areas. On both piers, shipside double marginal tracks are available with multiple rail trackage serving transit sheds.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

##### **Rule 1.2 Mission.**

To be a profitable, self-sufficient Port providing world class maritime terminal service to present and future customers and to facilitate the economic growth of Mississippi through the promotion of international trade.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

##### **Rule 1.3 Nautical Coordinates.**

The location of the MSPA is at latitude 30 degrees 21’ 45” North and longitude 89 degrees 05’ 24” West, on the north shore of the Mississippi Sound. The distance from the sea buoy to the Port is 16 nautical miles.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

##### **Rule 1.4 Physical Address.**

The location of the Mississippi State Port Authority at Gulfport is 30<sup>th</sup> Avenue South Extension West Pier, Gulfport, Mississippi 39501. The location of the Administrative Offices of the Mississippi State Port Authority at Gulfport are 2510 14<sup>th</sup> Street #1450, Gulfport, Mississippi 39501.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 2: Organizational Structure of MSPA**

### **Rule 2.1 Governance Structure of the MSPA.**

The Port is governed by the Mississippi State Port Authority Board of Commissioners. The MSPA's five-member board represents Harrison County and the City of Gulfport and are appointed to staggered, five-year terms. Three members are appointed by the Governor, one by the Harrison County Board of Supervisors, and one by the City of Gulfport.

- A. **Board of Commissioners.** The five-member Board of Commissioners is composed of a President, Vice President, Secretary, Treasurer, and Commissioner.
- B. **Management.** The Executive Management of the MSPA is appointed by the Board of Commissioners, and is composed of: the Executive Director and CEO; the Chief Operating Officer; the Executive Assistant/Human Resources Officer; the Director of Port Restoration; the Chief Commercial Officer; the Deputy Director of Engineering; the Deputy Director of Finance; the Deputy Director of Facilities; and the Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 3: Code of Ethics Policy**

### **Rule 3.1 Policy Statement**

This Code of Ethics shall apply to all Mississippi State Port Authority (MSPA or Port) Commissioners and employees. As public servants, MSPA Commissioners and employees are responsible for conducting MSPA business solely in the public interest. MSPA, as a State agency, is committed to maintaining the highest level of honesty, ethical conduct, and public trust. Personal integrity is the cornerstone of this Code. Each Commissioner and employee bears primary responsibility to assure that his or her actions are consistent with the highest degree of ethical conduct in all aspects of MSPA related business. This Code serves as a guideline for conduct and should be reviewed in conjunction with the MSPA Policy on Conflicts, Employee Guide, Operations Manual, and the statutes which govern the MSPA. Each Commissioner and employee is expected to read, understand, and abide by each provision contained within this Code of Ethics.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21'

### **Rule 3.2 Scope**

While the MSPA Code of Ethics is written primarily with Commissioners and employees in mind, contractors, consultants, agents, and any others who may be temporarily assigned to perform work or services on behalf of MSPA shall abide by and be subject to the provisions of

the MSPA Code of Ethics. Failure of a MSPA contractor, consultant, agent or any others to follow the Code may result in termination of their relationship with MSPA. In addition to possible termination, the MSPA reserves the right to pursue any other available legal or equitable remedies. Employees whose active duties with MSPA have been terminated or suspended, but who are still receiving compensation (including paid time off) or benefits from the MSPA, are also expected to comply with the Code of Ethics.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.3 Laws and Regulations**

Every MSPA Commissioner, officer and employee shall observe all laws, specifically including but not limited to Miss. Code Ann. §§ 25-4-101 to 25-4-119, and any other regulations that apply to MSPA activities. When in doubt about the interpretation of the law, clarification must be obtained.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.4 Public Trust**

No MSPA Commissioner, officer or employee shall use his or her public office or employment for any private gain other than the compensation provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.5 Conflict of Interest**

Every MSPA Commissioner, officer and employee shall avoid conflicts or the appearance of conflicts between his or her private interests and his or her official responsibilities for the MSPA. Each Commissioner shall complete and file with the MSPA's General Counsel the MSPA's Ethics and Conflict of Interest Questionnaire and the Mississippi Ethics Commission Statement of Economic Interest. Each employee shall complete and file with the Executive Director the MSPA's Ethics and Conflict of Interest Questionnaire. Further, each Commissioner and employee shall have the affirmative duty to update his or her responses to the questions therein as reasonably necessary to maintain proper disclosure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.6 Illegal Payments**

No Commissioner, officer or employee shall make illegal payments of any sort to any person or business entity to influence its actions regarding MSPA.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.7 Competitive Bidding Practices**

MSPA's policy is to award business on merit, without favoritism, by securing the best product or service available taking into consideration the best interests of the Port. The Board of Commissioners of the MSPA shall follow both legal and ethical standards when evaluating and committing to purchases, and shall follow legal and ethical bidding practices.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.8 Political Activities**

The Board of Commissioners of the MSPA shall not use MSPA funds or assets in support of any political candidate or exert political pressure on employees or vendors. The Board of Commissioners shall ensure that the MSPA does not make political contributions on its own behalf or on the behalf of any other person. A Commissioner seeking an elected or appointed public office shall notify the MSPA's General Counsel to obtain an opinion whether holding such public office would pose a conflict with serving as a Commissioner of the MSPA. An employee seeking an elected or appointed public office shall notify the MSPA's Executive Director who shall make such a determination. Commissioners and employees alike shall avoid a conflict or appearance of conflict between the Commissioner's or employee's duties to MSPA and duties to another public office.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.9 Fraud Awareness and Prevention**

MSPA has a zero tolerance policy for fraud, and shall make a prompt investigation into the substance of all allegedly fraudulent activity. Each Commissioner, officer and employee shall strive to maintain a work environment free of fraudulence, and shall immediately report known or suspected fraudulent activity to the designated authorities pursuant to the MSPA Whistleblower Policy. Under this provision, "fraud" is defined broadly to include any act of deception that is, or could reasonably be expected to, result in personal gain. Fraud includes any situation in which MSPA resources are diverted to a Commissioner, officer or employee, or any respective relative, friend, or associate, without prior authorization, which may also include misappropriation. Fraud may exist whether or not there is actual harm to the MSPA. Commissioners, officers or employees could be subject to progressive discipline up to and including immediate termination or dismissal for actions of fraud. In addition to the provisions contained herein, MSPA reserves the right to pursue any other available legal or equitable remedies for actions of fraud. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.10 MSPA Resources**

The Board of Commissioners shall use the resources of the MSPA, including its funds, property, and the time and talent of its employees, only in the furtherance of MSPA business.

The Board of Commissioners, every MSPA officer, and employee shall also strive to protect proprietary information, which is a valuable business asset of the MSPA from unauthorized or improper disclosure and/or use.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.11 Gifts**

No Commissioner, officer or employee shall accept or solicit gifts, preferential loans, travel, entertainment, or other favors that might reasonably be viewed as influencing his or her actions or decisions regarding the MSPA business unless authorized by law. The purpose of this provision is to protect the MSPA's business reputation and to protect employees from unfounded allegations of improper behavior.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.12 Safe Work Environment**

Every Commissioner, officer and employee of the MSPA shall strive to maintain a safe work environment, including one that is free from alcohol and drug abuse and their effects.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.13 Environmental Protection Awareness**

Each Commissioner, officer and employee of the MSPA shall strive to conduct the business of the Port in a manner that protects the environment and in accordance with applicable environmental laws and regulations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.14 Fair Employment Practices**

No person shall be appointed, hired, promoted, or terminated on the basis of race, color, religion, sex, marital status, physical or mental handicap, national origin, or age. The MSPA shall maintain a work environment free of racial or sexual harassment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.15 Discipline – Employees**

Each employee shall be bound by this Code of Ethics as a condition of employment. A violation of this Code by an employee or refusal to sign the acknowledgment page may result in disciplinary action up to and including suspension from or termination of employment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.16 Discipline - Commissioners**

A violation of this Code by a Commissioner may result in an official reprimand by the MSPA, including termination of appointment, with a letter describing the violation being sent to the public official or public office who appointed the Commissioner to the Port. A violation of this Code by a Commissioner which is also a violation of the State Ethics Laws may result in notification of the State Ethics Commission. A violation of this Code by a Commissioner which is also a violation of any Federal or State law may result in notification of the appropriate enforcement agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.17 Whistleblower Policy.**

All Commissioners, officers and employees have a responsibility to ensure that this policy is followed. Concerns and potential violations should be reported to the designated authorities pursuant to the MSPA Whistleblower Policy as further detailed in Chapter 6 of the MSPA Operations and Procedures Manual. Any Commissioner, officer or employee may raise, in good faith, concerns that one of his or her fellow co-workers is in violation of any provision of the MSPA Code of Ethics without fear of retaliation by his or her supervisor or any other Commissioner, officer or employee of MSPA. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 4: Conflict of Interest Policy**

### **Rule 4.1 Policy Statement**

Mississippi State Port Authority Commissioners, officers and employees serve in a position of public trust and shall not use their office or employment for improper personal gain. The MSPA requires that each Commissioner, officer and employee avoid any conflict of interest or the appearance of a conflict of interest between his or her personal interests and the interests of the Port when dealing with suppliers, customers, contractors, and all others doing or seeking to do business with the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 4.2 Definitions.**

For purposes of this Chapter, the following definitions apply:

**Relative.** A "relative" includes any Commissioner's, officer's or employee's spouse, mother, father, children, siblings, mothers-in-law and fathers-in-law, or any other "relative" to a Commissioner, officer or employee identified pursuant to Miss. Code Ann. § 25-4-103.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.3 Identifying a Conflict of Interest**

A conflict of interest exists when a Commissioner's, officer's or employee's duty to give undivided loyalty to MSPA is influenced, or could be influenced, by personal interest. Port Commissioners and employees must ensure that any outside activity or personal interest is kept separate from their position at the MSPA and does not influence their business judgment on the Port's behalf.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.4 Disclosure**

Any Commissioner, officer or employee shall not own, directly or indirectly through a relative, a financial interest or have an association that might be viewed as an interest in any business that does or seeks to do business with the Port or is a competitor of the Port without fully disclosing such interest to the MSPA in writing. Unless inconsistent with other law, no Commissioner, officer or employee shall participate in any decision-making, review, approval, selection, authorization or supervisory activity concerning any contract or MSPA transaction in which he or she has a financial interest without first disclosing such interests to the appropriate personnel and a determination made concerning the matter. Commissioners shall disclose such matters to the MSPA's General Counsel and officers and employees shall disclose such matters to the Port's Executive Director. Situations which must be disclosed to the MSPA would include, but are not limited to:

- A. A financial interest in any organization which has business dealings with the Port where there is an opportunity for preferential treatment to be given or received;
- B. A Commissioner, officer or employee or relative of a Commissioner, officer or employee buying, selling or leasing properties, facilities or equipment from or to the Port or to any entity or individual who is or is seeking to become a contractor, supplier, or customer of the Port; and
- C. A Commissioner, officer, employee or relative of a Commissioner, officer or employee serving as officer, director, or consultant with an entity doing or seeking to do business with the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.5 Misuse of Information**

No Commissioner, officer or employee shall use or release to a third party any confidential information on decisions, plans, or competitive bids or any confidential information concerning the Port which would be prejudicial or detrimental to the interests of the Port. Much

of the information developed by the Port is proprietary and confidential and must be protected. Such information includes, but is not limited to, trade secrets, confidential technology, financial records, practices, letters, drawings, personnel records and information, computer programs and databases, customer information, matters discussed during Executive Sessions, requests for proposals, proposed or pending real estate transactions, attorney-client privileged communications, attorney work product, and any other matters not subject to public disclosure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.6 Gifts**

Commissioners, officers and employees and their relatives shall not accept or solicit gifts or other special privileges with the understanding that the gifts or other special privileges would influence the action or judgment of the Commissioner, officer or employee in carrying out his or her official duties. Although the acceptance of gifts or other special privileges from those doing or seeking to do business with the Port is highly discouraged, Commissioners, officers, employees, and their relatives may accept non-cash gifts where the total fair market value does not exceed \$ 100 per year from any single source. Under this provision, “single source” means any person, vendor or business partner, whether acting directly or through any agent or other intermediary. Gifts in excess of \$ 100 must be disclosed to and approved by the Executive Director in conjunction with MSPA’s legal counsel.

- A. The following are gifts presumed not to influence a Commissioner’s or employee’s action or non-action on any matter and may be accepted without regard to the \$ 100 limit. However, in the event that facts suggest that a gift could influence a business decision, then the MSPA may request that the gift not be offered or accepted.
1. Unsolicited flowers, plants, and floral arrangements;
  2. Unsolicited advertising or promotional items of nominal value, such as pens and stationary;
  3. Unsolicited items received by an employee for the purpose of evaluation or review, if the employee has no financial or beneficial interest in the eventual use or acquisition of the items by the MSPA;
  4. Food or beverage consumed at hosted receptions where attendance is related to the Commissioner’s, officer’s or employee’s official duties, including admission to, and the costs of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization, provided that where the gift exceeds \$ 100 on a single occasion, the recipient of said gift or other special privilege shall report it to it to the Executive Director, who may also act in cooperation with MSPA’s legal counsel; and
  5. Occasional gifts in the form of food and beverage in the ordinary course of meals where attendance by the Commissioner, officer or employee is related to the



performance of official duties. Under this provision, “occasional” means not more than four to six times per year with the same person, vendor, or business partner.

- B. The following are items which are excluded from consideration as a gift and may be accepted by any Commissioner, officer, employee, or respective relative without constituting a violation of this Policy.
1. Items from family or friends where it is clear that the item was not given as part of any design to gain or maintain influence with the MSPA;
  2. Items related to the outside business of a Port Commissioner, officer or employee that are customary and not related to or implicated by the Commissioner’s, officer’s or employee’s performance of his or her official duties;
  3. Items exchanged among Commissioners, officers or other employees or between Commissioners, officers and employees, or a social event hosted or sponsored by a Commissioner, officer or employee for co-workers;
  4. Items a Commissioner, officer or employee is authorized by law to accept, including, but not limited to, items accepted in accordance with the MSPA’s applicable policies and procedures;
  5. Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade or charitable association or institution; and
  6. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.7 Political Activity**

MSPA funds shall not be used for any direct or indirect political contributions. Any Commissioner, officer or employee who considers running for public office or accepting an appointment to public office must first disclose this to the MSPA. When a Commissioner, officer or employee informs MSPA that he or she is running for public office, MSPA's Executive Director or General Counsel, as appropriate, will review the matter to determine if a conflict exists and if any action is necessary to avoid such conflict. Regardless, such a candidate shall not solicit campaign contributions from MSPA employees or vendors and shall not campaign upon the MSPA's premises.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.8 Employment of Relatives**

Any person with authority to hire Port personnel shall not appoint or employ a relative or next of kin of a Commissioner, officer or employee unless certain exceptions apply. Certain exceptions may be made to this policy on a case-by-case basis after disclosure and review by the MSPA's Executive Director or General Counsel, as appropriate, if such an exception serves the best interest of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.9 Emphasis of this Policy**

The emphasis of the MSPA Conflicts of Interest Policy is disclosure and review of potential conflicts of the MSPA in order to prevent conduct which would reflect unfavorably upon the Port, the Board of Commissioners, and/or its officers and/or employees.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 5: Anti-Harassment and Workplace Violence Policy**

#### **Rule 5.1 Policy Statement**

The Mississippi State Port Authority at Gulfport is committed to providing a respectful, supportive and productive workplace for all employees that is free of verbal, physical, and visual forms of unlawful harassment and violence or the threat of violence. One of MSPA's core values is treating co-workers, customers, contractors, vendors and community members with respect. Consistent with that value, the Port does not tolerate unlawful harassment or violence or the threat of violence in the workplace.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 5.2 Scope**

This policy applies to all forms of unwelcomed communication or conduct that is personally offensive, which debilitates morale and interferes with work effectiveness. It includes, but is not necessarily limited to, unwelcomed verbal or physical conduct that is derogatory toward any employee because of their age, race, color, religion, national origin/ancestry, disability, Family Medical Leave Act use, pregnancy, sex/gender, sexual orientation, whistleblower status, marital status, military status, use of workers' compensation, political beliefs, or any other category protected by law. Not all disrespectful activity rises to a level of severity and pervasiveness that would be considered unlawful harassment. However, MSPA strives to eliminate all disrespectful conduct from the workplace. This policy applies to business-related activities that take place outside of the workplace, such as business-related trips, meetings and social events.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.3 Harassment Awareness and Prevention**

All Commissioners, officer, employees and other personnel shall take all reasonable precaution to strive to maintain a work environment free of harassment, and shall immediately report known or suspected harassment to the designated authorities pursuant to the MSPA Whistleblower Policy. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.4 Violence Prohibited**

MSPA does not tolerate any type of workplace violence committed by or against its employees or personnel. Employees are prohibited from making threats or engaging in violent activities. In the event of an immediate, potentially dangerous situation, employees should promptly contact their direct supervisor, the Office of Security, and the Director of Human Resources.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.5 Commitment to Investigate**

MSPA will promptly and thoroughly investigate all claims of harassment and/or violence. Complaints will be handled with sensitivity, discretion and confidentially to the extent allowed by the circumstances and the law. In the event prompt remedial action is necessary, MSPA will act in accordance with the terms of this policy and those provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 6: Whistleblower Policy**

### **Rule 6.1 General Purpose**

The Port Authority is committed to conducting its business and affairs honestly and in accordance with federal, state and local laws and regulations and the Port Authority's internal policies. As such, the Port Authority strives to prevent, detect and swiftly correct any violations of law or policy, whether arising from inadvertence, mistake, lack of information or deliberate misconduct.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.2 Disclosure**

To give effect to its commitment, this policy is designed to protect any Port Authority employee who makes a good faith disclosure of potential misconduct to either a designated Port Authority official or public official as described herein below. More specifically this policy:

- A. Encourages employees to disclose wrongful conduct engaged in by others to the appropriate official, so that prompt, corrective steps can be taken by the Port Authority;
- B. Provides employees with information on how allegations of potential misconduct can be disclosed;
- C. Protects employees from reprisal by adverse employment action or retaliation as a result of any employee's having made a good faith disclosure of potential misconduct;
- D. Provides employees who believe they have been subject to any adverse employment action or retaliation as a result of a good faith disclosure of potential misconduct with a prompt, fair process to seek relief; and, further
- E. Provides a fair process and protection to any Port Authority employee who is the subject of a report during any resultant investigation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.3 Supplement Existing Law**

This policy is intended to supplement Sections 25-9-171 through 25-9-177 of the Mississippi Code of 1972 (dealing with reports of improper governmental action), and Section 1553 of the American Recovery and Reinvestment Act of 2009 ("ARRA") (dealing with whistleblowing regarding ARRA funding and whistleblower protections).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.4 Corrective Action**

It is the intention of the Port Authority to take whatever action may be necessary to prevent and correct any activities that violate this policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.5 Reporting Potential Misconduct (General)**

It is important for employees to report good faith concerns using the proper channels in order to ensure entitlement to the protections available under State and Federal law. Port Authority employees, contractors and agents are expected to report good faith concerns about:

- A. possible violations of any policy, law, rule or regulation related to Port Authority activities; and

- B. the misuse of Port Authority property, resources or authority for personal gain or non-business related purpose.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.6 Reporting Hotline**

Employees can address any such concerns to The Network, Inc. at 1-877-452-3671.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.7 Additional Reporting Methods**

In addition to the methods outlined above, reports of wrongful conduct under the above paragraph can also be made under State law to the Mississippi Attorney General, State Auditor, Ethics Commission, Joint Legislative Committee on Performance Evaluation and Expenditure Review or any other standing committee of the legislature, or any district attorney of the State of Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.8 Reporting Misuse/Abuse of TIGER/ARRA Funding**

- A. Notwithstanding the above paragraphs, in the event that an employee has a good faith belief that, in relation to TIGER or other ARRA funding, there has been:
  - 1. gross mismanagement of an agency contract or grant relating to TIGER/ARRA funds;
  - 2. a gross waste of TIGER/ARRA funds;
  - 3. a substantial and specific danger to public health or safety related to the implementation or use of TIGER/ARRA funds;
  - 4. an abuse of authority related to the implementation or use of TIGER/ARRA funds; or
  - 5. a violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to TIGER/ARRA funds, such employee should address his or her concerns to The Network, Inc. at 1-877-452-3671.
- B. Reports related to TIGER/ARRA funds can also be made to:
  - 1. the Recovery Accountability and Transparency Board;
  - 2. an Inspector General;

3. the Comptroller General;
4. a member of Congress;
5. a State or Federal regulatory or law enforcement agency;
6. a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover or terminate misconduct);
7. a court or grand jury;
8. the head of a Federal agency (or their representatives).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.9 Additional Information**

Additional information regarding whistleblower protection related to ARRA funding may be found at <http://www.recovery.gov>.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.10 Retaliation Prohibited**

Any retaliation, harassment or adverse employment consequences, of any kind, against employees for making good faith reports of suspected violations is strictly prohibited. All employees making good faith reports of suspected misconduct should feel safe and protected from retaliation. Retaliation includes, but is not necessarily limited to, reprisal in performance reviews or promotion decisions, discharge, reassignment, demotion, suspension, harassment or other discrimination.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.11 Scope of Protection from Retaliation**

Employees need not know the details of a law, rule, regulation or policy or be certain about a violation in order to receive the protection of this policy. Rather, an employee need only have reasonable grounds to believe that a violation has occurred. If an employee is unsure as to whether reasonable grounds exist, it is the Port Authority's policy that the most appropriate course of action is for the employee to report the concern. Employees are entitled to the full protection of this policy unless a disclosure is proven to have been both unsubstantiated and made with malice or knowledge of its falsity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.12 Response to Retaliatory Action**

The Port Authority will provide all necessary and appropriate support to reporting employees to ensure that they are treated fairly and are protected against retaliation. Further, the Port Authority will promptly respond to concerns of retaliation or unfair treatment linked to an employee's reporting of suspected misconduct. Any employee who retaliates against an individual who makes a disclosure protected under this policy is subject to immediate discipline, up to and including termination.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.13 Confidentiality**

Employees may make disclosures on a confidential basis either in person or by telephone through the Port Authority's dedicated reporting line 1-877-452-3671. Any such disclosures will be maintained as confidential to the extent possible, consistent with the need to conduct an adequate investigation, and in accordance with Mississippi and Federal laws.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.14 Protection for Subjects of an Employee Report**

Individuals who are subjects of a report will be treated fairly, respectfully, and consistent with all protections set out in Port Authority policy or applicable law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.15 Post-Report Procedures**

Any Port Authority employee with supervisory authority who receives a report of a concern regarding a potential violation of law or policy should promptly refer the matter to the most appropriate office or individual. Reports will be promptly investigated within five (5) calendar days, provided however, that reports involving TIGER/ARRA funding will be investigated within twenty-four (24) hours and appropriate corrective action will be taken if warranted by the investigation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.16 Good Faith Employment Decisions**

This revised whistleblower policy shall not in any way prohibit or interfere with good faith, legitimate employment decisions related to any employee.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 7: MSPA Standard Employment Procedures**

## **Rule 7.1 Purpose**

The purpose of this instruction is to establish the procedure to be used when announcing position openings, selection method in seeking the most qualified applicants and after selection how they are processed for employment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Rule 7.2 Scope**

This instruction defines the process, assigns responsibilities and delineates specific guidelines to be followed in the hiring of new employees. The procedures of this Chapter have been amended and are contained within Part 305 - the “MSPA Personnel Guidelines, Policies, and Procedures” and Part 309 – the “MSPA Port Restoration Section 3 Plan”.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 8: Equal Employment Policy**

### **Rule 8.1 Policy Statement**

The Mississippi State Port Authority at Gulfport is an equal opportunity employer throughout the job application and hiring process. MSPA embraces and in fact relies on having a diverse workforce. Every employee has the right to work in surroundings that are free from all forms of unlawful employment discrimination. MSPA will not engage in or tolerate any discrimination in the workplace prohibited by local, state or federal law. Specifically, no employee will be discriminated against on the basis of his or her age, race, color, national origin/ancestry, religion, disability, Family Medical Leave Act use, pregnancy, sex/gender, sexual orientation, whistleblower status, marital status, military status, use of workers' compensation, political beliefs, or any other category protected by applicable federal, state or local law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 8.2 Reasonable Accommodations of Disability and Religion**

MSPA recognizes that employees and other personnel with physical or mental disabilities may need reasonable accommodations to enable them to perform their essential job functions. The need for such accommodations is made on a case-by-case basis. Generally, the Port and the employee will work together in an interactive process to identify and provide possible accommodations. The employee has an obligation to cooperate with the Port in this process, which may include authorizing the Port to communicate with the employee's health care providers concerning the employee's condition, its impact on the employee's ability to perform necessary job-related functions, and possible reasonable accommodations. MSPA also will generally offer reasonable accommodations for an employee's sincerely held religious belief that



conflicts with a workplace rule, unless doing so would create an undue hardship on MSPA. Employees or other personnel who wish to request reasonable accommodation of a disability or religious belief should contact the Director of Human Resources at (228) 865-4300. MSPA will evaluate each request consistent with those standards provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 9: Public Access to Public Documents**

### **Rule 9.1 General Purpose**

It is the intent of the Mississippi State Port Authority to adopt a procedure for public access to public records pursuant to Mississippi Code Annotated, Section 25-61-1, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.2 Definitions**

For purposes of this procedure, the following definitions apply:

- A. **Public Records.** "Public Records" shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-61-3, as the same may be amended, but the definition shall not include any documents or records specifically declared confidential or privileged or exempted from public access by law or by a decision of a court of this State or the United States.
- B. **Protected Documents.** "Protected Documents" shall mean records furnished to the Port by third parties which contain trade secrets or confidential commercial or financial information.
- C. **Port.** "Port" shall mean the Mississippi State Port Authority at Gulfport.
- D. **Data Processing Software.** "Data Processing Software" shall have the same meaning as that term is defined in the Mississippi Code Annotated § 25-61-3, as the same may be amended, but the definition shall not include any programs or routines used to employ and control the capabilities of data processing hardware specifically declared confidential or privileged or exempted from public access by law or by a decision of a court of this State or the United States.
- E. **Request.** "Request" shall mean a written request to inspect, copy, or obtain reproductions of Public Records, which describes the Public Record in sufficient detail to allow the Port to identify the documents requested. A request shall be considered made when it is actually received by the Port.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.3 Prompt Review of Request**

The Port shall promptly review each Request.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.4 Adequate Description of Request**

If the Request does not adequately describe the Public Record(s) being sought or is otherwise ambiguous, written notice to that effect shall be given by the Port Authority to the requesting party. If sufficient clarification regarding the Request is not timely received, the Port will employ its best judgment to determine what Public Records are being requested.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.5 Production of Request**

The Port shall produce or deny the requested Public Records no later than seven (7) working days from the date of receipt of Request. If the Port is unable to produce the requested Public Records by the seventh working day after the Request is made, the Port shall provide to the requesting party a written explanation stating that the record will be produced and specifying with particularity why the Request cannot be produced within the seven-day period. In no event shall the Port's production to a Request be later than fourteen (14) working days from receipt of the original Request by the Port unless there is a mutual agreement between the Port and the requesting party to allow for a longer time period.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.6 Exempt Records**

If the Request seeks documents which are exempt from disclosure pursuant to Mississippi Code Annotated §§ 25-61-9, 25-61-11, 25-61-12 or otherwise, the Port shall promptly notify the requesting party in writing that the exempt documents shall not be produced and shall state the specific reasons for the denial. If the Public Records subject to a Request contain both exempt and nonexempt material, the Port shall redact all exempt portions of the Public Records and make the nonexempt portions available for inspection or copying, as appropriate. The Port shall maintain a file of all denials of requests for public records and preserve such denials for three (3) years from the date of each denial, which shall be available for inspection and copying upon written request.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.7 Data Processing Software**

If the Request seeks Data Processing Software obtained by the Port under a licensing agreement that prohibits its disclosure and said software is a trade secret or Data Processing

Software produced by the Port which is deemed sensitive, as defined under Mississippi Code Annotated § 25-61-9(6), the Port shall promptly notify the requesting party in writing that the exempt Data Processing Software shall not be produced and shall state the specific reasons for the denial. If requested, the Port shall produce any nonexempt records created by said Data Processing Software and any other nonexempt data relied upon in compiling said records.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.8 Third-Party Notification of Request**

If the Request seeks Protected Documents furnished to the Port by a third party, the Port shall notify in writing the requesting party and the third party who furnished the Protected Documents that such documents will be produced to the requesting party if within a reasonable time of receipt of said Request the third party shall not have obtained a court order protecting such records as confidential. The Port shall therefore produce the documents or comply with the court order, as appropriate.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.9 Time, Place, and Fees Related to Production of Request**

Whenever documents are to be produced, the Port shall notify the requesting party of the time, place, estimated fees or charges, and method access.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.10 Fees or Charges of Request**

The fees or charges shall be the amount reasonably calculated to reimburse the Port for its actual costs of searching, reviewing, duplicating, and mailing, if applicable, the Public Records requested. The cost for searching and reviewing records which may be subject to the Request, shall be based on the actual time expended at the rate of twenty dollars (\$ 20.00) per hour per person performing such work. Copies shall be made at the cost of twenty-five cents (\$ 0.25) per page for documents smaller than 11 by 17 inches. The cost of copying documents larger than 11 by 17 inches shall be at the actual reproduction costs plus the actual time of Port personnel to secure such copies. The estimated amount of all such costs shall be paid in advance of the Port's complying with the Request. If the actual costs differ from the estimate, any overpayment shall be refunded to or any additional costs paid by the requesting party. The Port may require an additional advance deposit calculated to cover the reasonable cost of searching and reviewing documents where such a search and review will require more than one hour. The Port shall have no duty to fulfill the Request until satisfactory fees and charges are received.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.11 Custody of Public Records**

No Public Records of the Port shall be permitted to leave the custody and control of the Port or its authorized employees or agents.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

## **Part 301 Chapter 10: Rule-Making Policy**

### **Rule 10.1 Policy Statement**

The powers of the Port Authority as set forth in Section 59-1-9 and Section 59-5-21 of the Mississippi Code of 1972 include the power to make and publish all needful rules and regulations to govern the harbor, docks and passes within its jurisdiction. In addition, the Port Authority is empowered to act as port wardens and pilot commissioners, and to perform any and all duties pertaining to such within its jurisdiction, and to fix and prescribe tariffs, fees, fines, penalties and forfeitures for the violations of the rules and regulations of said Port Authority. In conjunction with the exercise of certain rule-making authority, the MSPA must comply with the statutory requirements as set forth in the Mississippi Administrative Procedures Act in Section 25-43-1.101, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.2 Definitions**

For purposes of this procedure, the following definitions apply:

- A. **Rule.** “Rule” shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-43-1.102(i), as the same may be amended from time to time.
- B. **Rule-making.** “Rule-making” shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-43-1.102(j), as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.3 Rule-making Procedure**

The MSPA may within its discretion solicit advice or opinion on a proposed Rule pursuant to the provisions of Section 25-43-3.101 of the Mississippi Code Annotated. In addition to the above mentioned statute, the MSPA may within its discretion encourage public participation pursuant to Section 25-43-3.104 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.4 Notice of Proposed Rule Adoption**

Upon making a determination to adopt a Rule, the MSPA shall provide notice of said proposed Rule pursuant to Section 25-43-3.103 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.5 Adoption of Final Rule**

After properly submitting proposed Rules pursuant to Section 25-43-3.103 of the Mississippi Code Annotated, the MSPA shall adopt final Rules consistent with the requirements set forth in Sections 25-43-3.106, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.6 Maintaining a Rule-making Record**

The MSPA shall maintain a Rule-making record pursuant to Section 25-43-3.110 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

## **Part 301 Chapter 11: Open Meetings Requirement**

### **Rule 11.1 General Purpose**

It is the intent of the Mississippi State Port Authority at Gulfport to adopt a procedure to conduct meetings in an open and public manner, and that citizens be advised of and be aware of the decisions and deliberations involving the determination of public policy and public business pursuant to Mississippi Code Annotated, Section 25-41-1, *et seq.*

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.2 Definitions**

For purposes of this Chapter, the following definitions apply:

- A. **Meeting.** "Meeting" shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-41-3, as the same may be amended.
- B. **Executive Session.** "Executive Session" shall be limited to those matters allowed to be exempted from the open meetings requirement under Mississippi Code Annotated § 24-41-7(4), as the same may be amended from time to time.
- C. **Port.** "Port" shall mean the Mississippi State Port Authority at Gulfport.
- D. **Board.** "Board" shall mean the Board of Commissioners of the Mississippi State Port

Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.3 Open Meetings Generally Held**

The Port shall hold Meetings open to the public at all times unless such Meeting be declared an Executive Session as provided for in Mississippi Code Annotated, § 25-41-7.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.4 Notice**

The Port shall provide notice as required by law, including but not limited to Miss. Code Ann. § 25-41-13. The Port shall not be required to provide advance notice of teleconference or video meetings continued to address an emergency as provided in Mississippi Code Annotated § 25-41-5(5) or to include the agenda of a Meeting conducted by teleconference or video means for which proper notice was already given and the purpose of the continued meeting is set during the meeting prior to adjournment.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.5 Emergency Meeting**

The Port may conduct an emergency Meeting by teleconference or video means, or otherwise provided by law, as often as necessary if an emergency exists and the Board is unable to meet in a regular session. The Port shall state the nature of the emergency Meeting upon the minutes. The Port shall comply with the requirements of notice, minute keeping, recordation, and preservation as related to the emergency Meeting.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.6 Meeting by Teleconference**

The Port may conduct any Meeting through teleconference or video means allowing a quorum of the Port, as prescribed by law, to be at different locations for the purpose of conducting the Meeting provided participation is available to the public at one or more public locations specified in the public meeting notice. The Port shall suspend any action taken at the Meeting in the event of any interruption in the teleconference or video broadcast of the Meeting until repairs are made and public access restored. If the Port conducts a Meeting by teleconference, an audio recording of the Meeting shall be retained by the Port. If the Port conducts a Meeting by video means, an audio/visual recording of the Meeting shall be retained by the Port. Any audio or audio/visual recording shall be preserved by the Port for a period of three (3) years following the date of the Meeting and shall be made available to the public at all times therein.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.7 Agenda**

The Port make available to the general public at the time of the Meeting an agenda or materials distributed to members of the Port and staff of the Port present at the Meeting.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.8 Opportunity to Address the Board**

The Port shall provide the general public attending the Meeting from any designated remote location the opportunity to address the Board just as persons attending the primary or central location.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.9 Conduct During Meeting**

The Port may make and enforce reasonable rules and regulations for conduct of persons attending its Meetings in order to avoid disruption. Any person shall be permitted to orderly and respectfully address the Board under the rules and regulations established herein. Any person may be properly excluded from attendance to a Meeting for breach of peace.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.10 Minute Record Keeping**

The Port shall keep minutes of all Meetings as required by Mississippi Code Annotated § 25-41-11, showing the members present and absent; the date, time and place of the Meeting; an accurate recording of any final actions taken at such Meeting; and a record, by individual member, of any votes taken; and any other information that the Port requests be included or reflected in the minutes. Votes taken during any Meeting conducted through teleconference or video means shall be recorded by name in roll-call order and included in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after the recess or adjournment and shall be open to public inspection during regular business hours at 2510 14<sup>th</sup> Street # 1450, Gulfport, Mississippi 39501.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.11 Executive Session**

Any Commissioner of the Port shall have the right to request by motion a closed determination upon the issue of whether or not to declare an Executive Session. Upon an affirmative majority vote of all members present, such Meeting shall be closed for a preliminary determination of the necessity of Executive Session, and the total vote on the question of

entering Executive Session shall be recorded and spread upon the minutes. The Port shall not transact any other business until the discussion of the nature of the matter requiring Executive Session has been completed. The reason for holding an Executive Session shall be stated by the Board in an open meeting, and the reason so stated shall be recorded in the minutes of the Meeting. Any effective declaration of Executive Session shall be effective to that particular meeting on that particular day and, the Port shall not use any Executive Session to circumvent or defeat the purposes of Mississippi Code Annotated § 25-41-1, *et seq.*

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

## **Part 301 Chapter 12: Purchasing Rules and Guidelines**

### **Rule 12.1 Governing Law**

The Mississippi State Port Authority at Gulfport shall follow the public purchasing laws expressed in §§ 31-7-1, *et seq.* of the Mississippi Code and any applicable provisions of the Mississippi Department of Finance and Administration, Office of Purchasing, Travel and Fleet Management's Procurement Manual applicable for the purchase of all commodities, equipment and services. In the event any provision herein conflicts with the statutory provisions of §§ 31-7-1, *et seq.* of the Mississippi Code, the statutory provisions shall control.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 12.2 Purchase Requisition**

Purchase requisition form is completed when an employee signs a request for purchase and a Deputy Director or Director approves the requisition with his/her signature.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

### **Rule 12.3 Solicitation Process**

The requisition is presented to the Purchasing Agent who then solicits prices on the goods or services requested.

- A. If the price of the good or service is under \$5,000.00, then the purchasing agent will place an order with the lower priced vendor and issue a purchase order at that time.
- B. If price is over \$5,000.00 but less than \$50,000.00, two (2) written bids submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor must be solicited by Purchasing Agency and approved by the Executive Director. The lowest and best bidder shall be selected.
- C. If the price is over \$ 50,000.00, legal advertisement must be placed in the newspaper specifying the goods or services needed according to the advertisement procedures expressed in § 31-7-13(c). After bids have been received by the Port staff, the accepted



bid is presented to the Board of Commissioners of the Mississippi State Port Authority for their approval and selection of the lowest and best bidder.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 12.4 Approval of Board**

The solicitation and contract for any purchase anticipated to cost \$50,000.00 or more shall be approved by the Board of Commissioners prior to advertisement. Any contract over \$100,000.00 has to be approved by the Mississippi Development Authority. After approval from the Mississippi Development Authority, the contract will be returned to the Mississippi State Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 12.5 Rights of MSPA**

Nothing herein shall be construed to be inconsistent with the rights provided to the Mississippi State Port Authority pursuant to § 59-5-37 of the Mississippi Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 12.6 CDBG Funds**

To the extent U.S. Department of Housing and Urban Development Community Development Block Grant funds are utilized in a procurement, such procurement must fully comply with the applicable requirements set forth in 24 C.F.R. § 84.44 or 85.36, OMB Circulars A-87, A-122, A-21 or A-133.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 13: Bid Protest Procedures**

#### **Rule 13.1 Right to Protest**

Any actual or prospective bidder, offerer, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Executive Director. The protest shall be submitted in writing within seven (7) days after such aggrieved person knows or should have known of the facts giving rise thereto.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.2 Authority to Resolve Protests**

The Executive Director or his designee(s) shall have the authority to settle and resolve a protest of an aggrieved bidder, offerer, or contractor, actual or prospective, concerning the

solicitation or award of a contract.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.3 Decision**

If the protest is not resolved by mutual agreement, the Executive Director or his designee(s) shall promptly issue a decision in writing. The decision shall:

- A. state the reason(s) for the action taken; and
- B. inform the protestant of its right to an administrative hearing before the Port Board of Commissioners.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.4 Notice of Decision**

A copy of the decision under Rule 13.3 of this Chapter shall be mailed or otherwise furnished immediately to the protestant and any other party intervening.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.5 Finality of Decision**

A decision under Rule 13.3 of this Chapter shall be final and conclusive, unless:

- A. fraudulent; or
- B. any person adversely affected by the decision appeals administratively to the Board of Commissioners in accordance with Rule 15 below.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.6 Complaint to Procurement Officer**

Complainants should seek resolution of their complaints initially with the Procurement Officer or the office that issued the solicitation. Such complaints shall be in writing.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.7 Filing of Protest**

Protests shall be made in writing to the Executive Director, and shall be filed in duplicate within seven (7) business days after the protestor knows or should have known of the facts giving rise thereto. A protest is considered filed when received by the Executive Director.

Protests filed after the seven (7) day period shall not be considered.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.8 Subject of Protest**

Protestors may file a protest on any phase of solicitation or award including, but not limited to, specification preparation, bid solicitation, award, or disclosure of information marked confidential in the bid or offer.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.9 Form**

To expedite handling of protests, the envelope should be labeled "Protest." The written protest shall include as a minimum the following:

- A. the name and address of the protestor;
- B. appropriate identification of the procurement and if a contract has been awarded, its number;
- C. a statement of reasons for the protest; and
- D. supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time in which case the expected availability date shall be indicated.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.10 Requested Information; Time for Filing**

Any additional information requested by any of the parties should be submitted as expeditiously as possible to promote consideration of the protest. Failure of any party to comply expeditiously with a request for information by the Executive Director may result in resolution of the protest without consideration of any information which is untimely filed pursuant to such request.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.11 Stay of Procurements During Protest**

When a protest has been filed within seven (7) days and before an award has been made, the Port Authority shall make no award of the contract until the protest has been settled unless the Executive Director makes a written determination, after consulting with the Board of Commissioners, that the award of the contract without delay is necessary to protect substantial

interests of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.12 Making Information on Protests Available**

The Port Authority shall, upon written request, make available to any interested party information submitted that bears on the substance of the protest except where information is proprietary, confidential, or otherwise permitted or required to be withheld by law or regulation. Persons who wish to keep such information submitted by them confidential should so request by specifically identifying such information within documents submitted, and indicating on the front page of each document that it contains such information. The availability of such information shall be in compliance with the Mississippi Public Records Act of 1983, §§ 25-61-1, *et seq.* of the Mississippi Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.13 Decision by the Executive Director**

A decision on a protest shall be made by the Executive Director as expeditiously as possible after receiving all relevant, requested information.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.14 Effect of Judicial or Administrative Proceedings**

The Executive Director will refuse to decide any protest when a matter involved is the subject of a proceeding before the Board of Commissioners or has been decided on the merits by the Board. If an action concerning the protest has commenced in court, the Executive Director shall not act on the protest. This subsection shall not apply where the Board or a court requests, expects, or otherwise expresses interest in the decision of the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.15 Appeal of Protest Decision By Executive Director or His Designee(s).**

- A. **Scope.** This subsection applies to an appeal addressed to the Board of Commissioners of a decision under Rule 4 above.
- B. **Time Limitations on Filing a Protest Appeal.** The aggrieved person shall file an appeal with the Board of Commissioners within seven (7) days of an adverse decision by the Executive Director or his designee(s) under Rule 4 of this Chapter. It is sufficient for the notice of appeal to be directed to the President of the Board of Commissioners.
- C. **Decision.** The Board of Commissioners shall promptly decide whether the solicitation or award was in accordance with the Constitution, statutes, regulations, and the terms and

conditions of the solicitation. The proceeding shall be de novo. Any prior determinations by the Executive Director or his designee(s) shall not be final or conclusive.

- D. **Standard of Review for Factual Issues.** A determination of an issue of fact by the Board of Commissioners under this subsection shall be final and conclusive unless arbitrary, capricious, fraudulent, or clearly erroneous.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.16 Request for Hearing**

A contractor or prospective contractor that has appealed a protest decision pursuant to Rule 15 of this Chapter may request a hearing before the Board of Commissioners on the appeal. Such request must be received by the Board of Commissioners at the time the appeal is filed.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.17 Notice of Hearing**

If a hearing is requested, the Port Authority shall send a written notice of the time and place of the hearing before the Board of Commissioners.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.18 Authority of Chairman of the Board as Hearing Officer**

The Chairman of the Board, as hearing officer, in the conduct of the hearing, has the power, among others, to:

- A. hold informal conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding either by consent of the parties or upon such officer's own motion;
- B. require parties to state their positions with respect to the various issues in the proceeding;
- C. require parties to produce for examination those relevant witnesses and documents under their control;
- D. rule on motions, and other procedural items on matters pending before such officer;
- E. regulate the course of the hearing and conduct of participants therein;
- F. receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;
- G. fix time limits for submission of written documents in matters before such officer;

- H. impose appropriate sanctions against any party or person failing to obey an order under these procedures, which sanctions may include:
- I. refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence;
- J. excluding all testimony of an unresponsive or evasive witness;
- K. expelling any party or person from further participation in the hearing; and
- L. take official notice of any material fact not appearing in evidence in the record, if such fact is among the traditional matters of judicial notice.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.19 Hearings Procedures.**

- A. Hearings shall be as informal as may be reasonable and appropriate under the circumstances and in accordance with applicable due process requirements. The weight to be attached to evidence presented in any particular form will be within the discretion of the hearing officer. Stipulations of fact agreed upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness was present. The hearing officer may require evidence in addition to that offered by the parties.
- B. A hearing may be recorded but need not be transcribed except at the request and expense of the contractor or prospective contractor. A record of those present, identification of any written evidence presented, and copies of all written statements and a summary of the hearing shall be sufficient record.
- C. Opening statements may be made unless a party waives this right.
- D. Witnesses shall testify under oath or affirmation. All witnesses may be cross-examined.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.20 Determination of Hearing Officer; Final Decision**

The Chairman of the Board, as hearing officer, shall prepare a written decision regarding the Board of Commissioner's decision on the appeal as expeditiously as possible. The Board of Commissioner's final decision shall recite the evidence relied upon. The decision shall be sent promptly to the actual or prospective bidder, offerer, or contractor who is aggrieved.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.21 Determination that Solicitation or Award Violates Law**

A solicitation or award may be in violation of the law due to actions of state employees, bidders, offerers, contractors, or other persons. The Executive Director or the Board of Commissioners may determine that a solicitation or contract award is in violation of the provisions of state procurement law or regulations. Any such determination shall be made in writing after an opportunity to be heard is given, and such determination is subject to appropriate appeal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.22 Remedies Prior to an Award**

If prior to award it is determined that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award shall be:

- A. canceled; or
- B. revised to comply with the law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.23 Canceling or Revising Solicitation or Proposed Award to Comply with Law**

A finding by the Executive Director, after consultation with the Board of Commissioners, that the solicitation or proposed award is in violation of law will constitute a compelling reason to cancel or revise a solicitation or proposed award.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.24 Remedies After an Award**

If after an award it is determined that the solicitation or award is in violation of the law, then the contract will be canceled.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.25 Termination**

Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the Port Authority, except as may be approved by the Board of Commissioners in compliance with state law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 13.26 Effect of Declaring a Contract Null and Void**

In all cases where a contract is voided, the Port Authority shall endeavor to return those

supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract and the Port Authority is entitled to recover the greater of: (a) the difference between payments made under the contract and the contractor's actual costs up until the contract was voided; or (b) the difference between payments under the contract and the value to the Port Authority of the supplies, services, or construction if obtained under the contract. The Port Authority may, in addition, claim damages under any applicable legal theory.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.27 Appeal and Review of Board Decision on Appeal**

Any person or party receiving an adverse decision may appeal from a decision by the Board Protest Committee to the designated court or courts of the State.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.28 Discontinuance of Contractor's Appeal**

After notice of an appeal to the Board of Commissioners has been filed, a contractor may not discontinue such appeal without prejudice, except as may be authorized by the Board.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 14: Reporting of Oil Spills and Hazardous Chemical Spills**

### **Rule 14.1 Responsibility to Report Incident**

All operators and leaseholders at the Port have the legal obligation to notify various agencies of a release of any potentially hazardous substances. In the event a listed hazardous substance or extremely hazardous waste is released, in an amount equal to or exceeding the reportable quantity (Normally one pound), or that substance, the following parties must be notified:

- A. State Emergency Response Commission (SERC) which includes DEQ at 1-888-786-0661;
- B. Harrison County Civil Defense Office at 228-865-4002;
- C. National Response Commission at 1-800-424-8809 (NRC is manned by U.S. Coast Guard personnel who enter reports of pollution and environmental incidents as received and relate each report to an on-scene coordinator (OSC). The operator of a facility is required to report to NRC immediately upon a release or spill of hazardous substances;
- D. MSPA at 228-865-4300;
- E. U.S. Coast Guard Marine Safety at 1-251-441-5976;



- F. Fire and Police Department at 911; and
- G. To obtain additional assistance for the most effective handling of such an incident, it is important that you also call CHEMTRAC at 1-800-262-8200.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 14.2 Information to Include When Reporting an Incident**

The following information, if available at the time of the report being made, should be included:

- A. Name, address and telephone number of the individual reporting the incident;
- B. Name of the party or individual responsible for the incident;
- C. Mailing address of the responsible party;
- D. Telephone number of the responsible party;
- E. Date and time the incident occurred or was discovered;
- F. Specific location of the incident;
- G. Name of the substance spilled or released, if known;
- H. Source of the released material;
- I. Cause of the release;
- J. Total quantity discharged;
- K. Was material released into the air, around, water or subsurface;
- L. Amount released into water;
- M. Weather conditions existing at the time of the incident and until the time of reporting;
- N. Vessel name, railcar/truck number or other identifying information;
- O. Name of carrier;
- P. Name and type of injuries or fatalities;
- Q. Whether evacuations have occurred;

- R. Estimate dollar amount of property damage;
- S. Description of clean-up action taken and future plans; and
- T. Other agencies you have notified or planned to immediately notify.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 14.3 Penalty for Noncompliance**

If the incident poses an immediate crisis as much of the above information as possible should be communicated and it is not necessary to take time to develop all the information prior to calling. As a matter of fact, failure to immediately notify could result in hefty fines being levied against the operator or leaseholder for untimely report. If operators or leaseholders fail to notify the authorities of a release, either are subject to civil penalties of up to \$25,000 a day for each day of non-compliance. Repeat offenders can be fined up to \$75,000 a day. In addition, criminal penalties may be imposed on any person who knowingly and willfully fails to provide notice.”

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 15: Procedure for Selection of Architectural & Engineering Services.**

### **Rule 15.1 Policy Statement**

This operating procedure establishes the guideline procedures for the selection and engagement of outside professional project management, architectural, engineering, design, and construction management services for public works project at the Port of Gulfport that shall cost in excess of \$ 50,000. For purposes of this operating procedure, “public works projects” shall include both new construction and major maintenance projects. The term “public works costs” shall mean the cost of engineering plus the cost of the improvements (construction and maintenance).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 15.2 General Application**

This procedure assigns responsibilities and sets forth specific guidelines for the solicitation, evaluation, recommendation, and final selection of professional services to be engaged by the Mississippi State Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 15.3 Special Consideration for Projects less than \$50,000**

For projects that cost less than \$ 50,000, the Executive Director may modify these guidelines to meet the specific project requirements. However, prior to making a recommendation to the Port Commission, the Executive Director shall have received written proposals from at least three qualified firms.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 15.4 Scope and Application**

This operating procedure applies to all Mississippi State Port Authority management personnel involved in the solicitation, evaluation, and recommendation of professional project management, architectural, engineering, design, and construction management services. Selection of professional services shall be made consistent with Section 73-13-45 of the Mississippi Professionals and Vocation Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 15.5 Responsibility**

The Executive Director is primarily responsible for the selection process. The Executive Director shall make the final recommendation to the Port Commission. The award of professional services contracts rests with the Mississippi State Port Authority Board of Port Commissioners. All firms engaged to perform project management, architectural, engineering, design, and construction management services shall perform such services in accordance with contract terms and conditions approved by the Port Commission. It shall be the responsibility of all firms seeking work at the Mississippi State Port Authority to be familiar with this Operating Procedure, the Mississippi Professional and Vocation Code, the MSPA Code of Ethics, and the Construction General Conditions.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 15.6 Procedures**

The process for solicitation and evaluation of professional services recommended is as follows:

- A. **RFQ/RFP.** Preparation of a Request for Qualifications and Proposal to include, but not be limited to the following information: Project Identification, Project Objective/Goal, Required professional services, Order of Magnitude Cost, Special Provisions, and Selection Criteria. If the project is associated with any previously performed feasibility study, strategic master plan, or special area plan, then a copy of the plan or study approved by the Port Commission shall be provided.
- B. **Solicitation.** Proposals shall be solicited from qualified firms on an industry-wide basis and based upon the disciplines required. The Mississippi State Port Authority shall maintain an active list of firms interested in providing project management, architectural,

engineering, design, and construction management on file with the MSPA staff Engineer. Firms seeking to be placed on a list of firms interested in providing services shall complete Standard Form #254 "Architect-Engineer and Related Services Questionnaire".

1. **Specific Request Projects.** For a specific project, a Request for Qualifications and Proposal shall be mailed to firms on the Port Authority's active list; shall be published in a newspaper of general circulation in Harrison County; shall be distributed to industry clearinghouses related to the specific services needed; and shall be mailed to firms on an industry wide basis who are normally engaged in the discipline required.
  2. **Non-Active List Firms.** As part of the Request for Qualifications, all firms not on MSPA's active list, shall provide a list of every job performed over the last three (3) years in the area of discipline being sought that is in excess of \$ 100,000 or an amount comparable to the overall project budget as set by the Executive Director in the solicitation. Failure to disclose such information may be grounds to disqualify the firm.
  3. **Cut-Off Date to Respond.** A specific cutoff date and time for submitting the required information will be included in the solicitation
- C. **Selection Criteria.** The Executive Director shall be responsible for establishing selection criteria for specific projects.
- D. **Staff Evaluation.** The Port staff will make an independent evaluation of all the firms responding to the Port Authority Request for Qualifications and Proposal for each specific project. The independent evaluation shall include selecting past clients to make inquiries regarding past experience with the firm. Specific questions to be answered are:
1. Was the quality of work satisfactory?
  2. Was the work performed in a timely manner?
  3. Was the proposed budget for the project met? If not, why?
  4. How were professional fees established for the project? Were the professional fees within the established limits of the project? If not, why?
  5. Are there any potential claims from the contractor, subcontractors, or other vendors related thereto? Are there any threats of litigation related thereto?
  6. Should this firm be recommended for employment again?
- E. **Ranking of Potential Candidates.** Upon completion of the background investigation, the Port staff will review and rank the firms based upon the evaluation factors in this operating procedures and/or those established by the Executive Director in the Request

for Proposal for related projects. A written staff evaluation shall be provided to the Executive Director ranking all of the firms in the following categories:

1. Firms Highly Qualified and Recommended for further consideration.
  2. Firms Qualified for the Related Services
  3. Firms Not Qualified and Not Recommended for further consideration.
- F. **Recommendation.** The Executive Director shall review all the materials related to the staff evaluation. Based upon his independent evaluation, the Executive Director may, in his sole discretion, alter the ranking of the staff evaluation of the firms' qualifications and experience to perform the related services.
- G. **Selection – Phase One.** The Executive Director shall select the top firms deserving further consideration. The Executive Director's finalists shall be reviewed with the Mississippi Development Authority.
- H. **Selection – Phase Two.** Following a review and evaluation, the Executive Director and the Mississippi Development Authority shall submit a joint recommendation to the Board of Port Commissioners for their review and consideration. The Board shall select the principal firm to negotiate a fee contract with and an alternate firm to be negotiated with only if the Executive Director and the selected firm are unable to reach agreement. In submitting the joint recommendation to the Board of Port Commissioners, copies of all submittal and materials that influenced the recommendation shall be provided to the members of the Port Commission.
- I. **Selection – Phase Three.** The Board of Port Commissioners shall review and consider the selection of the firm best qualified and experienced to perform the related services at a regular or special public meeting. The Port Commission shall select the firm and one alternate for the Executive Director to negotiate a professional services contract. All firms that proposed on the project shall be notified of the meeting along with the Executive Director's recommendation.
- J. **Modification of Selection Process.** Based upon the scope of the project and prior to initiation of the selection process, the Executive Director may with the concurrence of the Port Commission modify the selection process. This operating procedure shall not limit the Board's decision to invite finalist to appear before them at a regular meeting for further questioning and interviewing. Selection by the Board of Port Commissioners shall be based upon Qualifications and Experience for the related services.
- K. **Fee Negotiations.** Proposed fees shall not be entered into the selection process. Upon selection by the Board of Port Commissioners of the best qualified and experience firm, negotiations shall be undertaken by the Port Authority's Executive Director. Fees may be negotiated either on a fixed fee, time and materials with a cost not to exceed, or percentage of contract cost basis.

If during the fee negotiations, the Executive Director declares an impasse between the firm selected and the Management, the Port Commission may direct the Executive Director to resolve the impasse on specific terms and conditions or may direct the Executive Director to initiate negotiations with the alternate firm.

- L. **Contract Provisions.** All terms and conditions of the professional services contract shall be consistent with the Request for Proposal and Qualifications. The proposed fee schedule shall be consistent with local standards for related type of services within the State of Mississippi. The contract terms and conditions shall be consistent with the terms and conditions of the Port's Construction General Conditions.
- M. **Engineering Firm Supervision Requirement.** All engineering services shall include provisions that requires a representative firm to be present at the job site for critical phases of the work (i.e. cover-up work such as the pouring of reinforced concrete) to insure that the contractor is complying with the construction specifications of the project. All engineering firms engaged in construction management firms shall sign a certificate stating that the project was "constructed in full compliance with the Plans and Specifications of the Construction Contract"
- N. **Interpretation.** All administrative interpretation of these procedures shall be made by the Executive Director. Nothing in this operating procedure shall prohibit the procedures for selection of project management, architectural, engineering, design, and construction management services to be modified to meet specific project requirements. It shall be the responsibility of the Executive Director to identify all changes and modifications to these operating procedures prior to official solicitation of the proposal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 16: Sign Approval & Placement.**

### **Rule 16.1 Purpose**

The purpose of this procedure is to establish control and regulate the placement of signs of all types within the boundaries of the port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.2 Scope**

In keeping with this purpose and intent, this ordinance is designed to permit only such signs as will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a manner as to support and complement land-use objectives in such a fashion that high standards for the visual environment within all areas of the port are developed and maintained.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.3 Definitions and City of Gulfport Comprehensive Sign Ordinance, March 1987.**

The Mississippi State Port Authority has adopted by reference and incorporated herein provisions of the City of Gulfport Comprehensive Sign Ordinance, March 1987, as amended from time to time, as follows:

- A. Section II Definitions;
- B. Section IV. Signs Permitted in General Business, Light Industrial and Heavy Industrial Districts;
- C. Section V. Prohibited Signs;
- D. Section VI. Construction Specifications; and
- E. Section VII. Exempt Signs.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.4 Conflict between Authorities**

In the event of a conflict between the City of Gulfport Comprehensive Sign Ordinance and this procedure, the policies of the City of Gulfport shall prevail. In all cases where the City of Gulfport must issue a permit for a sign to be placed on property of the Mississippi State Port Authority at Gulfport, the applicants shall submit application to the City of Gulfport independently from the application submitted to the Port Authority. It shall be the applicant's sole responsibility to determine if a City permit is required.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 16.5 Permits**

Except as otherwise provided in this procedure, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign on the Port of Gulfport or cause the same to be done, without first obtaining a sign permit for each such sign from the Port Authority as required by this procedure. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with requirements of this ordinance on the date of its adoption unless and until the sign is altered or in any manner whatsoever, except as provided herein above, or is relocated to another location at the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.6 Application for Permit**

Application for a permit shall be made to the Port Authority and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City of Gulfport Sign Ordinance including, but not limited to:

- A. Name and address of owner of the sign;
- B. Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- C. Clear and legible drawings with descriptions and normal dimensions, showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;
- D. If required by the City of Gulfport Sign Ordinance, an approved permit from the City of Gulfport issued in accordance with the City's sign ordinance; and
- E. Application for permit shall be filed with the Deputy Director of Engineering, Mississippi State Port Authority at Gulfport, together with a permit fee of \$50.00.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.7 Issuance of Permit**

The Port Authority shall issue a permit when the permit application is properly made and approved by the Board of Commissioners of the Mississippi State Port Authority at a regularly scheduled meeting of that body. When a permit is denied, suspended or revoked, written notice shall be given stating the reason therefore.

- A. Duration of Permit. All permits shall be for a one year period and shall be renewed not later than thirty (30) days prior to the expiration date.
- B. Renewal Fees. Unless a sign is to be modified, altered, or replaced, there shall be no renewal fee for the extension of the permit for an additional year. If modification, alteration, or replacement is requested then the applicant shall file a new application and pay a new permit fee.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.8 Notification to MSPA**

The person locating, erecting, altering or relocating a sign shall notify the Port Authority's engineer immediately upon completion of the work for which permits are required.



The Port's engineer shall inspect and have the authority to order the repair, alteration or removal of signs.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.9 Inspection**

All free-standing signs shall be subject to a footing inspection and all signs to a final electrical inspection by a Qualified Inspector. Applicant shall reimburse the Port Authority for all costs associated with footing and electrical inspection.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.10 Maintenance**

Every sign on the Port, excluding building and window signs, including but not limited to those signs, for which permits, or for which no permits are required, shall be maintained in good structural condition at all times at the sole cost and expense of the applicant.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.11 Signs Declared Unlawful**

The Port Authority's Executive Director may declare any sign unlawful if it endangers public safety for reason, including but not limited to, improper placement or location, inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons that the sign constitutes a safety hazard to the general public. The Port Authority's Executive Director may declare any such sign to be unlawful, and such declaration shall state, in writing, the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this procedure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.12 Signs Permitted**

Permitted signs shall be those signs permitted under Section 4.3 of the "City of Gulfport Comprehensive Sign Ordinance" covering General-Business, Light-Industrial and Heavy Industrial Districts. All provisions of this Section 4.3 shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.13 Prohibited Signs**

Prohibited signs shall be those signs prohibited under Section V of the "City of Gulfport Comprehensive Sign Ordinance. All provisions of Section V shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.14 Construction Specifications**

Construction Specifications shall be the same as those set forth in Section VI of the "City of Gulfport Comprehensive Sign Ordinance". All provisions of this Section VI shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.15 Exempt Signs**

Exempt signs shall be the same as those set forth in Sections 7.1 (a) thru (c) and 7.2 (a) thru (p) of the "City of Gulfport Comprehensive Sign Ordinance."

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.16 Removal and Disposition of Signs**

All signs shall be maintained in a safe, presentable and good structural material condition at all times. Abandoned, dangerous, defective, or unlawful signs may be removed or required to be removed upon giving 30-days' notice to the owner. All removal and disposition of signs shall be at the sole cost and expense of applicant and/or person responsible for the placement of the sign.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 16.17 Administration**

All administrative interpretations of this policy and procedure shall be made by the Executive Director. The Executive Director shall designate a representative to monitor, inspect and enforce the provisions of this procedure. The duties and responsibilities of the Authority's representative shall include, but not be limited to the following:

- A. Examine all applications for permits for erection of signs, authorize the continued use of signs which conform with the requirements of this ordinance, record and file all applications for permits with any accompanying plans and documents, make an annual inspection of all signs on the Port and make such reports as the Port may require.
- B. If any sign has been constructed or erected or is being maintained in violation of the provisions of the procedure, promptly notify the owner or lessor thereof in writing.
- C. Keep the Executive Director advised of all applications, violations, and inspections.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Part 301 Chapter 17: Use of Alcohol or Controlled Substance(s).**

### **Rule 17.1 Policy Statement**

This instruction promulgates standard Port policy and procedures concerning the use of alcoholic beverages and the use, transport, and/or sale of controlled substances on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.2 Scope**

This instruction defines an alcoholic beverage as any substance/liquid containing alcohol, malted or brewed, which, when consumed may result in an altered sense of awareness.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.3 Definition**

This instruction defines “controlled substance” as any substance which is under the control of "controlled substance(s)" legislation and which, when consumed, may result in an altered sense of awareness, and which is not directed for use by competent medical authorities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.4 Application**

This instruction applies to any person on, employed on, or conducting commerce on State Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.5 Responsibility of Enforcement**

The Captain of Security, employees of the Port's security department, MSPA officials, MSPA employees, and managers of commercial/firms operating on Port property are responsible to ensure compliance with the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.6 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 102 and 220.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 17.7 Possession Strictly Prohibited**

The possession and/or consumption of alcoholic beverages and illegal drugs (controlled substances) on Port property and within Port facilities is prohibited.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.8 Persons Denied Entry**

Persons attempting entry onto the Port, obviously under the influence of alcohol or in an obvious altered state of awareness will be denied. Any resistance to this stipulation will result in an immediate call to Gulfport Police Department for assistance.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.9 Expulsion from Premises**

Persons found within the confines of the Port Industrial Area (fenced areas of the East and West Piers) either consuming or under the influence of alcohol or in an altered state of awareness will be expelled from these areas.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

#### **Rule 17.10 Operating Machinery or Equipment Strictly Prohibited**

Person found operating vehicles or machinery while obviously under the influence of alcohol or in an altered state of awareness will be reported to:

- A. foreman;
- B. employer; or
- C. Deputy Director of Operations immediately for corrective action/expulsion from the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.11 Recordkeeping of Violations**

All violations will be recorded and forwarded to the Port Dock Superintendent for possible continuing action, on an irregularity report.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.12 Serious Infractions/Repeat Offenders**

Serious infractions involving damage to property/endangerment of life, and repeat offenders will be reported by the Port Operations to the Port's Executive Offices for possible

suspension/barring from Port facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 18: Port Security - Job Description(s) and Duties (Generalized).**

### **Rule 18.1 Purpose**

This instruction is to establish general job descriptions and requirements for the Security Department at the Mississippi State Port Authority at Gulfport, MS.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.2 Scope**

This instruction defines generalized position descriptions, job requirements, and the scopes of responsibility for specific positions within the Security Department, also referred to within this and other instructions as Port Security, to promulgate an efficient, effective department in support of Port security and operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.3 Application**

This instruction is applicable to contract agencies, both present and future, providing contract security advisement and service to the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.4 Responsibility**

Contracting security agencies are responsible to be familiar and comply with the contents of this instruction. Personal equipment and supplies, unless otherwise specified in this instruction or as covered in contractual agreement, provided to Security Department employees, as well as care and maintenance of said equipment/supplies rests solely with the contracting Agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.5 Authority**

Specific procedures and authority to discharge these procedures are contained in this Operations and Procedures Manual.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 18.6 Organizational Structure of the Contract Security Department**

Security Department is organized under a headquarters section staffed by the Captain of Security and Sergeant of Security, and a guard section staffed to cover three permanent entry/exit Gate Guard posts and two Security Vehicle Screeners. General job descriptions and requirements for these positions, as well as the Radio-Telephone Operator are as follows:

A. Job Title: Captain of Security

1. Captain of Security – Position Description:

- (a) Manages a guard force of an average of twenty one (21) security officers in the day-to-day activities of providing physical security and radio operations/dispatcher services to the Mississippi State Port Authority at Gulfport. Responds to security irregularities/incidents. Investigates circumstances surrounding irregularities. Prepares concise irregularity/incident reports for State Port Authority. Conducts continual evaluations of State Port physical security programs and submits security program recommendations to State Port Authority on an as needed basis. Actively supports State Port officials in the safe berthing/sailing of marine vessels. Actively supports State Port officials in the smooth operation of Port activities. Provides short notice security guard capabilities to the State Port on an as needed basis.
- (b) Schedules security officers for duty and assigns security officers to guard posts. Resolves personnel matters of security guards as related to duty performance and job assignments. Manages payroll of assigned security persons (contract security only).
- (c) Acts as senior radio operator/dispatcher for the State Port. Continually evaluates assigned radio operators/dispatchers for compliance with State Port and FCC radio operation requirements. Certifies newly assigned radio operators/dispatchers.
- (d) Maintains mutually supporting, cooperative relationship with local law enforcement agencies such as Homeland Security, which includes USCG Sector Mobile, Customs Border Protection (CBP), Transportation Security Administration (TSA) and local drug enforcement agencies as well as the U. S. Coast Guard - Gulfport Station.
- (e) Actively resolves physical security problems to the greatest extent possible or refers unresolved problems to State Port Authority for justification.
- (f) Develops, schedules, and conducts training of assigned security officers/supervisors on an as needed basis, to include: State Port physical layout, State Port Physical Security Programs, specialized security officer

training, first-aid and Cardiopulmonary Resuscitation (CPR), as well as water oriented lifesaving procedures. Develops training programs oriented to safe handling of hazardous cargo as applicable to physical security officers on an as needed basis. Develops, schedules and conducts traffic control training of assigned security officers, on an as needed basis.

- (g) Maintains a mutually supportive, cooperative relationship with commercial agencies operating on the Port.
- (h) Provides a source of primary physical security assessment/evaluation to the State Port Authority, and other agencies actively engaged in commerce on the Port.
- (i) Provides constant physical security coverage to the State Port during nonbusiness/holiday hours.
- (j) Performs other physical security duties at the direction of the State Port Authority.

2. Captain of Security – Job Requirements:

- (a) Applicant must possess a minimum of one (1) year practical experience as a security manager/supervisor. Previous experiences as an executive level manager may be substituted for the requirement upon approval of State Port Authority.
- (b) Applicant must possess a working knowledge of Port and maritime operations. Applicant must possess working knowledge of Limited Coast Radio Station operations, to include practical knowledge of FCC regulations and limitations.
- (c) Applicant must possess a minimum of three (3) years personnel management experience. Applicant must demonstrate ability to schedule employees for duty and to react to short notice requirements for additional security officers. Prior experience in administration of employee payroll programs is desirable.
- (d) Applicant must possess normal color vision and normal hearing. Applicant may not possess any physical incapacities which may adversely affect normal duty requirements. Applicant may be required to produce evidence of a physical examination/evaluation at the request of State Port Authority (contract security only).
- (e) Applicant must possess a current Mississippi Operator's Permit and not have pending or current conviction(s) on driver's records which are drug or alcohol related, or, which reflect an unsafe driving attitude. Prior

training of experience in operating emergency response vehicles is desirable. Successful completion of an accredited defensive driving course may be substituted for this requirement.

- (f) Applicant may not possess a felony-oriented criminal record, pending or previous.
- (g) Applicant must possess the capability to conduct training needs assessments, determine job requirements, develop physical security and traffic control on-the-job training programs, and conduct on-the-job training for newly assigned security persons. Applicant must possess practical experience in administrative management.
- (h) Applicant must have a minimum of a high school education.

3. Captain of Security - Related Job Requirements:

- (a) Successful completion of an accredited management school is desirable; however, three (3) years of upper level management experience may be substituted for this requirement.
- (b) Applicant must be prepared to provide certification of ability to perform all assigned duties under minimum direct supervision. The acceptability of this certification rests solely with executive managers of the State Port Authority.
- (c) Applicant must possess a minimum of one (1) year developing and conducting on-the-job training programs. Acceptability of this experience rests solely with executive managers of the State Port Authority.
- (d) Applicant must possess a minimum of one (1) year practical experience in the development and administration of physical security training programs

**B. Job Title: Sergeant of Security**

1. Position Description - Sergeant of Security

Supervises a contract guard force of approximately five (5) security officers providing physical security as well as radio-telephone communications service to the Mississippi State Port Authority at Gulfport. Responds to security irregularities/incidents, vehicle accidents, and disturbances. Prepares CONCISE irregularities/incident reports. Identifies potential physical security shortfalls to the Chief of Security. Assists in and acquires berthing applications on an "as needed" basis. Ensures smooth operations thru effective traffic control and marshaling of vehicles on an "as needed" basis. Acts as senior radio operator during assigned watch. Ensures strict compliance with FCC guidelines concerning



operation of a limited maritime radio-telephone station. Ensures compliance with Port directives concerning "call out" of Port employees during non-business hours. Ensures compliance with Port directives concerning proper maintenance and documentation of radio log(s). Ensures proper accountability and issue/receipt procedures for Port keys. Performs other activities at the direction of the Captain of Security in support of Port activities.

2. Job Requirements - Sergeant of Security

Potential Watch Supervisor(s) must possess a minimum of one (1) year, port oriented physical security officer experience, must be capable of direct supervision and scheduling personnel, must possess working knowledge of Port and maritime operations as well as working knowledge of a limited coast radio station operations, to include practical knowledge of FCC coast radio station regulations and limitations. Successful applicant must possess normal color vision and normal hearing. Job incumbent may not have physical malady(s) which may adversely impact the discharge of normal duties and job oriented requirements. Incumbent must possess a current Mississippi Operator's Permit. Incumbent may not have not have drug/alcohol related convictions. Incumbent must possess the minimum of a high school education.

3. Related Job Requirement(s) - Sergeant of Security

Potential Security officers may be required to undergo a limited medical (Physical) examination, at the expense of the contractor, and provide results of said examination to MSPA upon request.

C. **Job Title: Radio-Telephone (Communications) Officer**

1. Position Description - Radio-Telephone Officer

Maintain constant watch over MSPA radio emergency (hail & distress) radio Channel 16 and State Port Channel 10. Responds to ships calling the Port on Channel 16. Coordinates with concerned State Port Agencies on ship's requirements. Relays messages and information to marine vessels, coordinates ship movement requirements, i.e linehandlers, tug boats assistance identifying assigned berths, etc, and relays information to incoming marine vessels. Coordinates "in port" vessel needs/requirements with concerned State Port and ancillary marine support agencies. Maintains radio operations log(s). Maintains Daily Ship Report log. Dispatches MSPA linehandlers in support of ship's movements during nonbusiness hours. Maintains watch over Port fire alarm system, security cameras and notifies Port Operations or the Captain of Security for response guidance. Receives documents, and distributes Gulfport Pilot tickets and Gulfport Towing tickets to concerned MSPA and other commercial agencies. Maintains watch over Port freezer alarm system and dispatches response team(s) to alarm location(s). Provides marine radio support services to Gulfport Pilot

Association and ship's agents on an as needed basis. Provides Port Security radio desk/dispatcher services. Maintains constant watch over Port Security radio Channel 3. Dispatches security response member. Coordinates immediate response actions with Port Security Watch Supervisor and local law enforcement agencies

2. Job Requirements - Radio-Telephone Officer

- (a) Successful radio operator/dispatcher must possess a minimum of a high school education and write legible. Persons fulfilling this position must speak clearly/distinctively without speech impediment. Applicant must possess normal color vision. Applicant must also possess a working knowledge of marine radio operations, to include marine jargon/terminology as well as a working knowledge of FCC regulations concerning operation of a limited coast radio station. Applicant<sup>1</sup> must possess working knowledge of Port and marine ship movement requirements.
- (b) Successful applicant must possess good communicative skills and be able to retain/relay complex information between a variety of Port and ancillary support agencies.

3. Related Job Requirements - Radio-Telephone Officer

- (a) Applicant must be able to perform all assigned duties under periods of stress with minimum supervision.
- (b) Prior experience as a radio-telephone operator may be substituted for knowledge of Port requirements.
- (c) Applicant must successfully complete a minimum of fourteen (14) days of on the job training and be certified by the MSPA Contract Captain of Security prior to being assigned full time duties in this position.

4. Education/Training Requirements - Radio-Telephone Officer

FCC Radio Operator's Certificate is desirable, however, not mandatory.

5. Supervision - Radio-Telephone Officer

Persons fulfilling this position receive direct supervision from the Captain of Security and indirect supervision from Sergeant of Security during nonbusiness hours.

**D. Job Title: Security Officer**

1. Position Description - Security Officer

- (a) This position consists of three (3) permanent guard posts (West Gate, East Gate and North Gate located at the Mississippi State Port Authority, Gulfport, Mississippi.
- (b) **West Guard Gate:** Provides physical security and entry/exit control over the West Pier, MSPA Directs inbound traffic to vendors, visitors and commercial traffic to concerned agencies on the West Pier. Obtains dock releases/receipts from outbound traffic for deliveries to MSPA officials. Conducts vehicle inspections(s) of outbound traffic to preclude unauthorized removal (pilferage) of cargo, equipment, and supplies. Detains person(s) suspect of unauthorized removal (pilferage) from exiting West Pier until proper authorities have cleared the person/vehicle or directed assistance from Gulfport Police Department. Assists the Chief of Security in traffic control on West Pier as needed. Performs other security oriented functions at the discretion of the Chief of Security in concert with MSPA.
- (c) **East Gate Guard:** Provides physical security and entry/exit control over the East Pier, of the MSPA. Directs inbound traffic to facilities on the East Pier. Detains person(s) suspect of unauthorized removal (pilferage) from exiting East Pier until proper authorities have cleared the person/vehicle or directed assistance from Gulfport Police Department. Performs traffic control duties at the direction of Chief of Security. Performs other security oriented functions at the discretion of Captain of Security in concert with MSPA officials.

2. Job Requirement(s) - Security Officer

**West Gate, East Gate, North Gate:** Persons performing these duties must be a minimum of twenty one (21) years of age and must not possess a record of criminal (felony) convictions active or pending. Persons performing these duties must possess a high school, or equivalent, education. Although these are unarmed positions, the ability to possess a "weapons card" is considered highly desirable. Persons performing, or being considered for these positions may be required to undergo a medical (physical) examination, at the expense of the contracting agency, to ensure the absence of malady which may be restrictive to the performance of assigned duties, the results of which may be requested by MSPA officials.

3. Other Job requirement(s) - Security Officer

- (a) Persons filling these positions must demonstrate the ability to deal with the general public and to "neutralize" potentially disruptive occurrences without the use of force. Persons filling these positions will be placed on

probationary employment at the State Port until they successfully complete a period of training/orientation on State Port facilities and requirements, to include CPR and first aid (buddy care) training, as well as traffic control/direction procedures.

- (b) Screening/Search Security Officers are required to screen vehicles as mandated by the MSPA Facility Security Plan. Screening/Searching can be defined as searching through vehicles prior to access to the Port's Restricted/Secure areas. The officers are searching for weapons, incendiary devices, illegal drugs, etc. Persons performing these duties must be a minimum of 21 years of age and must not possess a criminal (felony) record, whether or not active or pending. Persons performing these duties must possess a high school education or an equivalent thereof. Although these are unarmed positions, the ability to possess a weapon card is considered highly desirable. Persons performing, or being considered for these positions may be required to undergo a medical and/or physical examination, at the expense of the contracting agency, to ensure the absence of condition which may be restrictive to the performance of assigned duties, the results of these examinations may be requested by MSPA officials.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 19: Visitor Control**

### **Rule 19.1 Purpose**

Only authorized persons engaged in port and related vessel activities are permitted within the fenced areas of the Port. Loitering, fishing, is strictly prohibited. Trespassers are subject to immediate expulsion from these areas and persons resisting expulsion are subject to arrest by local law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.2 Procedures – Generally**

This instruction establishes standard procedures for the Port Security Department in control and identification of visitors entering the fenced area of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.3 Scope**

This instruction defines areas of responsibility and outlines procedures to be followed to ensure the control of visitors to the State Port of Gulfport, Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.4 Application**

This instruction is applicable to all commercial and MSPA agencies operating or performing port oriented operations within the fenced areas of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.5 Responsibilities**

The Captain of Security is responsible to ensure total compliance with the provision of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.6 Pilferage Prevention**

Because of the inherent security problems and potential pilferage of cargo associated with Port operations and maritime port activities, the identification and control of visitors entering the fenced areas of the Port is essential.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.7 Port of Gulfport Access Limited**

The Port Contract Captain of Security and all members of the Port Security Department staffing the Port of Gulfport entry/exit accesses will limit access to those persons having a legitimate, official need to enter the Port. All persons requesting entrance onto the Port of Gulfport shall be required to possess a Transportation Worker Identification Credential (TWIC).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.8 Certain Vehicles Exempt**

Vehicles displaying the MSPA decal on their windshields are acknowledged to having official business on the Premises but are still required to possess a TWIC card and are subject to searched upon entry. Law enforcement officials at the State and Local levels are not required to possess a TWIC card to gain unescorted access to Restricted/Secure areas at the Port of Gulfport.

First Responders at the State or Local levels are not required to possess a TWIC in order to gain unescorted access to Restricted/Secure areas during an emergency situation. They may, however, voluntarily obtain a TWIC where their offices fall within or where they desire frequent unescorted access to a restricted/secure area of a vessel, facility in a non-emergency situation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21 and 33 CFR 101.514

### **Rule 19.9 Limited Access of Visitors**

Casual visitors, i.e. sightseers, tourists, etc., are strictly prohibited from unescorted entry into the Port's Restricted/Secure area(s).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.10 Access of Media and Press**

Members of the news media must obtain permission from and be cleared by MSPA officials prior to being granted access to the Port. If properly granted access, media and press personnel must be escorted at all times while on Port Property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.11 Visitors of Vessels**

All persons desiring entrance to the Port for the purpose of visiting a vessel (except those identified under Rule 8 above) must produce proof of authorization to board the vessel, produce proof of identity, TWIC card and "sign-in" in the Visitors Control Log maintained at the West Gate. Proof of authorization to board the vessel is a letter/pass signed by a member of the ship's officer component or by the ship's agent/stevedore responsible for the vessel's cargo movement. Said proof of authorization will be surrendered to the gate guard and forwarded to Port Operations the next business day.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.12 Visitors to Longshoremen**

Visitors to longshoremen (non-emergency) will be required to wait outside the fenced area. The security roving patrol will contact the dock foreman and advise the longshoreman of the visitor.

Visitors to longshoremen to make deliveries, i.e. food, clothing, etc.:

- A. During business hours/cargo movement being accomplished the visitor will be required to wait outside the fenced area and the Security Supervisor will advise the dock foreman of the visitor's presence at the gate.
- B. Unless exempted under Rule 8 above, no one will be allowed access to the Port for the purpose of serving legal writs, summons, etc. Persons desiring contact with an individual on the Port for-said purpose(s) are required to wait outside the fenced area. The Security Supervisor will notify persons subject to such action(s) they have a visitor, however, will not identify the visitor or the purpose.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 20: Traffic Control (Vehicles)**

### **Rule 20.1 Purpose**

This instruction promulgates standard speed limits on the State Port at Gulfport Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.2 Scope**

This instruction establishes safe speed zones and limits on the Port and provides authority to the Port Security Department to enforce speed limits on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.3 Application**

This instruction is applicable to all agencies, commercial and State Port Authority, as well as all persons visiting or conducting business on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.4 Responsibility**

- A. All MSPA officials and employees witnessing violations of the contents of this instruction are responsible to report said incidents to the Port Security Department.
- B. The Captain of Security/Facility security Officer, working in concert with security department employees, is responsible to ensure compliance with the Provisions of this instruction.
- C. The Dock Superintendent is responsible for the review of reports generated as the result of this instruction and to forward appropriate (repeat offender) reports to the Deputy Director of Operations/Facility Security Officer for possible further action.
- D. The Port Executive Director is the final arbiter of this instruction and reviews reports (repeat offenders) for possible administrative action(s).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 20.5 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 190, 198, 212, and 214.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Rule 20.6 Speed Limits Strictly Enforced**

Because the inherent safety factors of operating a Port Industrial cargo movement facility, and to afford the best possible safe working environment on the Port the speed at which vehicles travel on the Port must be strictly controlled. Therefore, the State Port Authority has established the following speed limits:

- A. Routine traffic throughways: 20 MPH, unless otherwise posted.
- B. Docks, warehouse aprons, and roadways between warehouses: 10 MPH.
- C. Areas where persons are actively engaged in dockside cargo movement operations: 5 MPH.
- D. Open storage area: 15 MPH
- E. Whereas the aforementioned limits are considered maximum speed limits, all vehicle operators entering congested work/traffic areas are enjoined to reduce their speed to a lower, safer limit.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Rule 20.7 Duty to Report Speeding Violations**

MSPA officials/employees, as well as any Port user observing a vehicle exceeding maximum allowable speed limit(s) on the Port are to report their observations to the Port Security Department. This requirement applies equally to any vehicle observed operating in such a manner so as to pose a hazard to persons, cargo movement operations or facilities on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Rule 20.8 Enforcement**

Vehicles entering the Port at excessive speed(s) will be stopped by the Port Security Department Gate Guard and cautioned to observe Port speed limits. Repeat offenders will be reported, by the gate guard, to the Captain of Security/MSPA Facility Security Officer on duty.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Rule 20.9 Identifying Violators**

The Captain of Security/MSPA Facility Security Officer will make a concentrated effort to positively identify offenders of this instruction and:

- A. **First time offenders.** Caution the driver and document the incident in the form of an irregularity report.



- B. **Repeat offenders.** Inform the driver a "repeat offense" report is being documented and forwarded to the Deputy Director of Operations. If possible stern administrative actions. (NOTE: Reports in such instances will be prepared to include reference to previous incident report.)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.10 Review of Speeding Reports by Deputy Director of Operations**

The Port Operations will review all reports addressing speeding hazardous vehicle operations on the Port with emphasis in reports concerning repeat offenders. Repeat offender reports shall be forwarded to the Deputy Director of Operations, with suitable recommendation for a formal warning, suspension of driving privileges, permanent barring from driving on the Port, etc.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.11 Review of Speeding Reports by Commission**

The Deputy Director of Operations reviews all reports concerning repeat/habitual offenders and determines justification to initiate administrative action(s) against the offender. Should a formal warning be justified, the offender will be notified, in writing over the Executive Director's signature. Should temporary or permanent suspension of driving privilege(s) be justified, the item will be included as an agenda item for the next Port Commissioners meeting where final determination will be made.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.12 Notice of Suspension of Driving Privilege**

Persons being considered for temporary or permanent driving suspension will be advised of the Port Commissioners' determination and afforded five (5) working days to provide mitigating circumstances to justify reconsideration. Failure to respond within five (5) days will result in the enactment of the Port Commissioner's decision without further advisement.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.13 Violator's Vehicle Prohibited Access**

In all cases addressed in Rules 1 thru 12, this instruction, suspension of driving privileges is restricted to the persons operating a private vehicle on the Port and may include restriction(s) enacted against the person's vehicle itself.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.14 Commercial Agency's Vehicle**

Cases involving the use of a commercial agency's vehicle, to include cargo movement equipment, will be addressed to the concerned commercial agency by the Deputy Director for final determination, using the general procedures contained in this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 21: Parking of Personal Vehicles.**

#### **Rule 21.1 Policy Statement**

Parking of personal vehicles in unauthorized areas is a matter of daily concern, particularly in congested work areas and dockside. Safety and security considerations are obvious. Incidents of lost time resulting from vehicles blocking operations increase costs and require immediate resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.2 Parking Area**

The Stevedore, having obtained prior approval from Port Operations, will regulate parking during their particular operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.3 Personal Vehicle on Dockside Area Prohibited**

No personal vehicles will be allowed on dockside or in cargo handling areas. The Stevedore will regulate vehicles during their operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.4 Parking on Dockside or Cargo Handling Areas Prohibited**

Dockside, as well as parking in cargo handling areas, is prohibited. Vehicles found parked in these areas will be cited and may be required to show just cause as to why they should not be restricted from entering the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.5 MSPA Not Responsible for Damage to Vehicle Occurring in Prohibited Areas.**

Vehicles must be kept clear of cargo operations at all times. In no way does this imply Port liability for damage to vehicles, nor any additional costs incurred by unauthorized vehicles impeding cargo operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

#### **Rule 21.6 Additional Parking Prohibitions**

Under no circumstances will vehicles be parked in Fire Lanes or so as to be an obstruction to cargo movement, or impede free passage of Port Operations and Security Vehicles. Under no circumstances is a vehicle to be parked, unattended, within 20 feet of the Port gantries, or on the tracks servicing these apparatus. Vehicles found parked and impeding the safe, free movement of these apparatus may be cited and removed at the owner's expense.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.7 Penalty for Violations**

All vehicles that are found parked in unauthorized areas as well as vehicles blocking Port operations and Fire Lanes will be cited and may be towed at the owner's expense.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 22: Port Tours.**

#### **Rule 22.1 Scheduling**

Tours for the Port of Gulfport will be scheduled in the following manner:

- A. All requests for tours will be processed through the Business Development Office. Coordination for tours will be handled by the Administrative Assistant at 228-865-4300.
- B. Tours will be conducted by the Executive Director, or his designee, who will stay with the group during their visit inside the Port Restricted/Secure areas.
- C. Contact: Operations Manager 865-4317

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 23: Control of Weapons, Firearms and Explosive Devices.**

#### **Rule 23.1 Purpose**

This instruction addresses the Port's policy on weapons control on Port property for the purpose of this instruction, "Port property" encompasses the areas bordered on the West by the sand beach seawall to the eastward boundary of 29th Avenue and extends southward from Highway 90 to the southernmost waterlines and includes the former Commercial Small Craft Harbor as well as the Administrative Offices of the Mississippi State Port Authority at Gulfport are 2510 14th Street #1450, Gulfport, Mississippi 39501

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.2 Scope**

This instruction establishes the Port's policy on the possession and transport of weapons on Port property and provides the Port Security Department the authority to enforce its edicts.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.3 Application**

This instruction is applicable to all persons and agencies employed on traversing through, or engaged in the conduct of commerce on State Port property. This instruction does not apply to Federal, County, and State law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.4 Responsibility**

The Captain of Security and all employees of the Port Security Department as well as State employees and officials are responsible to ensure strict compliance with this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.5 Authority**

Schedule of Charges; Rules, and Regulations for Port Terminal Services, Paragraph 2, Item 154 and Item 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.6 Possession of Firearm Prohibited**

It is unlawful for any person to possess on, or carry, openly or concealed, any gun; rifle, pistol, explosive cartridge, explosive device or powerful explosive as defined in U.S.C.G. 14-284.1 while employed on or conducting business on Port property without the prior, express written approval of MSPA officials.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.7 Possession of Certain Knives Prohibited**

It is unlawful for any person to possess on, or carry, openly or concealed, any fixed blade knife exceeding five (5) inches in length, any spring or percussion activated knife, dirk, or dagger while employed on or conducting commerce on Port property. Non-fixed blade knives,

less than five (5) inches in length, and bladed tools designed expressly for the purpose c-of material handling/preparation are permitted; however, the use of these devices for other than their designed purposes is prohibited.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.8 Possession of Other Dischargeable Weapons Prohibited**

It is unlawful for any person to possess on, or carry, openly or concealed, any sling shot; or flighted, dischargeable device, etc. while employed on or conducting commerce on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.9 Possession of Other Melee Weapons Prohibited**

It is unlawful for any person to possess or carry, openly or concealed any leaded cane blackjack, metallic knuckles, club, whip, or any other device of like kind designed as a weapon or intended to be used as weapon, whether offensive or defensive, while employed, on, or conducting commerce on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.10 Possession of Explosives Prohibited**

It is unlawful for any person to discharge or cause the discharge of any explosive device; firearm or similar like device on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.11 Permission to Use Certain Explosives**

Persons or agencies requiring the use of charged and/or explosive cartridge activated devices must obtain prior, written permission from the Deputy Director of Operations prior employing said or like devices on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 23.12 Penalty for Violators of this Policy**

Persons attempting entry onto or found on Port property in violation of the contents of this instruction will be subject to:

- A. Denial of entry by Security members.
- B. Immediate expulsion from the confines of Port property by Security members.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.13 Reporting Requirement**

All such incidents will be reported by the Security Department to Port Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 23.14 Armed Agents Prohibited**

Commercial agencies/firearms located on Port property, and employing outside or internal security agents are enjoined against arming said agent and must obtain prior, express permission from the Deputy Director of Operations prior to arming their agents. In all cases the Port is faultless from any incident involving the use of a weapon/firearm by agents under the employment of any outside agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 24: Unilateral Port Security/Local and Federal Law Enforcement.**

### **Rule 24.1 Purpose**

This instruction establishes guidelines in the unilateral jurisdictions role of the Port Security Department and its relationship with local law enforcement and federal agencies. It also establishes standard procedures in the use of these agencies by Port Security Officers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.2 Scope**

This instruction identifies local and federal law enforcement agencies to be contacted for assistance by the Port Security Department in the promulgation of the Port's mission to protect resources, personnel, and property and in ensuring the edicts of local, state, and federal laws are enforced.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.3 Application**

This instruction is applicable to all members of the Port's Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.4 Responsibility**

The Captain of Security, as well as Port Operations, is responsible to ensure the provisions of this instruction are strictly complied with.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.5 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.6 Importance of Maintaining Rapport with Other Enforcement Agencies**

Because of the uniqueness of the Mississippi State Port Authority at Gulfport in servicing United States and foreign flag vessels, as well as a mixture of cargo and passenger bearing vessels, and its commercial fishing fleet, it is necessary that the Port Security Department maintain a mutually supportive rapport with local as well as federal law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.7 Unarmed Officer Requirement**

Neither the Captain of Security nor any member of the Port Security Department performs his or her duties "under arm". Any member of the Port Security Department found to be armed will be reported by MSPA officials to the general manager of the contracting agency providing security services to the Port with the recommendation said member be summarily removed from service of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.8 Requesting Assistance of Gulfport Police Department**

The Captain of Security, as well as Sergeant of Security, acting in concert with the Captain and under the Captain's guidance, are empowered to request the assistance of the Gulfport Police Department under the following conditions:

- A. Suspected or actual use, transport, or sale of controlled substances, or any incident in which the use of controlled substance is suspected.
- B. Any incident involving the use, implied or actual, or display of a firearm.
- C. Any incident, i.e. confrontation, which resulted in personal injury or the damage to personal or Port property.
- D. Any incident or threat, violent or potentially violent.

- E. Any larceny committed on Port property.
- F. Any incident involving battery against a member of the Security Department.
- G. Minor, nonviolent incidents will be referred to a member of the MSPA staff with a request for MSPA intervention.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.9 Requesting the Assistance of U.S. Customs**

Port Security Supervisory Officers may request the assistance of the U.S. Customs Department, Gulfport, to resolve actual instances of seamen or persons working on Port property attempting to import foreign goods into the United States and being detained at any of the Port's entry/exit gates. Persons suspected of such activities will be identified in confidential irregularity reports and referred to MSPA officials for guidance.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.10 Requesting the Assistance of U.S. Border Patrol**

Port Security Supervisory Officers may request the assistance of the U.S. Border Patrol under the following circumstances:

- A. A known foreign seaman departing the Port known not to have U.S. Immigration Documents on his/her person
- B. A previously identified quarantined seaman attempting to or actually departing the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.11 Reporting Incidents Involving Foreign Seamen**

All minor conflicts between Port Security members and foreign national seamen will be referred on incident reports to the MSPA Deputy Director of Operations for resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 24.12 Reporting Incidents with Foreign Flag Vessels**

All minor incidents involving foreign seamen and/or agents of foreign flag vessels will be reported on incident reports to the MSPA Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21



### **Rule 24.13 Short-Range Requests for Assistance by Local and Federal Authorities**

Requests from local and federal law enforcement agencies to the Port Security Department for immediate short range assistance will be honored. However, the MSPA Deputy Director of Operations-will be apprised of the request at the earliest possible opportunity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.14 Long-Range Requests for Assistance by Local and Federal Authorities**

All requests for non-urgent, long range assistance from local and federal law enforcement agencies to the Port Security Department will be referred by the Security Officer receiving the request to the MSPA Director of Operations for review and approval prior to being honored.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 24.15 Access to Port Facilities by Local and Federal Law Enforcement Agencies**

Port Authority Department persons staffing entry/exit control points shall not challenge Law Enforcement on official duty but will notify Port Operations.

These agencies include Gulfport Police Department, Mississippi Highway Patrol, Harrison County Sheriff's Department, and Customs Border Patrol Management.

- A. Members of these departments driving marked vehicles will be granted unchallenged access to Port property while on official duty.
- B. Members of these departments identifying themselves after being challenged and driving unmarked vehicles will be granted access to Port property without further questioning. MSPA Deputy Director of Operations and the Facility Security Officer shall be notified as soon as practical as to the presence of any officer on-site.
- C. Vehicles being operated by members of these departments are exempt from all inspection when departing Port property.
- D. Members of these departments are granted total authority to bear arms without question while on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 25: Dock Releases/Receipts (General).**

### **Rule 25.1 Purpose**

This instruction promulgates procedures for the issuance of dock releases and/or receipts by all agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the

Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.2 Scope**

This instruction defines the industrial areas of the Mississippi State Port as the fenced areas of the North, East and West Piers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.3 Application**

This instruction is applicable to all commercial agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport and the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.4 Responsibilities**

Managers of commercial agencies operating within the industrial areas of the Port are responsible to ensure compliance with the provisions of this instruction. The Captain of Security, working in concert with the MSPA Port Operations Manager, is responsible to enforce the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.5 Authority**

Schedule of Charges. Rules, and Regulations for Port Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.6 Liability for Release/Receipts**

All agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport will be held liable for the design, control, and issue of dock release/receipt documents.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.7 Design Requirements**

The design of said documents is left to the discretion of the agent, however, must include

the firm's logo/name, commodity, storage location, date, and signature of person issuing the release. Said agencies will further be held liable to provide a list of authorized signature elements within their organization to the Captain of Security, a copy of which will also be provided by the concerned agency to the Port Operations/MSPA.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 25.8 Implementation and Filing of Policies by Agency**

Agencies housing/storing cargo equipment, supplies, etc. within the industrial area of the State Port Authority at Gulfport will develop and implement policies/procedures to ensure the internal control and protection of their dock release/receipts, and to ensure currency of their signature authority letter(s) on file with the Captain of Security and MSPA Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 25.9 Removal of Materials from Industrial Area**

Agencies housing/storing cargo equipment, supplies, etc., will ensure the removal of said material from the industrial area of the Mississippi State Port Authority at Gulfport is authorized by and covered under the issuance of an authorized dock release/receipt for presentation to Port Security guards as gate passes authorizing removal of the material.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 25.10 Receipts Required for Presentation**

All agencies receiving cargo -or storage on the Port will issue dock receipts for presentation to Port Security at the Entry/Exit Access Gate. Said receipts must indicate type and amount of cargo, and storage location. Agencies releasing empty containers will issue dock receipts on the container marked "empty".

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 25.11 Verification by MSPA Gate Guards**

Port Security gate guards will ensure the accuracy of and collect dock release/receipts prior to allowing the removal of equipment, cargo, supplies, etc., housed/stored within the industrial area of the Port. This review procedure includes the verification of the signature element authorizing said removal. All attempts to remove material from the Port without proper documentation will result in the denial of exit and return of the vehicle to the storage location for proper documentation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.12 Resolving Conflicts**

Should a conflict arise between this instruction and the removal of material from the Port, the concerned agency manager will be contacted by Port Security to resolve the conflict. Vehicles attempting to depart the Port Industrial area without proper authorization, yet unwilling to return to obtain proper documentation, will be detained at the Entry/Exit Access Gate by Port Security, who will contact the concerned agency manager and request the manager come to the gate and resolve the conflict. Unresolved conflicts will be reported to the MSPA Deputy Director of Operations by Port Security, with a request for assistance in resolving the conflict.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.13 Special Recordkeeping**

Port Security gate guards collect and ensure delivery of release documentation for Port Operations the next business day. The implementation of special records and logs, covering specific commodities housed/stored on the Port Industrial area, by Port Security, may be directed by the Chief of Security upon the council, request, and/or consent of the Port's Operations Manager. Said special records and logs, however, must be fully justified to meet a particular situation/circumstance and not duplicate other records/logs being maintained on the commodity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 25.14 Oversight of Captain of Security**

The Captain of Security will provide a source of guidance and information to MSPA officials, as well as commercial agencies operating on the Port concerning the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 26: Verification of Ship Chandler Licenses.**

### **Rule 26.1 Purpose**

This instruction provides standardized verification procedures by the Port Security Department to ensure the authorization of commercial agencies providing ship chandler services on the Mississippi State Port at Gulfport, Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.2 Scope**

This instruction defines “ship chandler” as any agency providing supplies and services to any vessel docked/berthed at any pier within the confines of the Mississippi State Port Authority Industrial Area. This instruction excludes commercial agencies providing supplies and/or

services to administrative offices confined within the Port's Industrial Area from requirement to possess said licenses.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.3 Application**

This instruction is applicable to members of the Port Security Department, as well as to any MSPA employee/official who witness the recurring activities of an agency which could be defined as being ship Chandler oriented.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.4 Responsibilities.**

- A. **Reporting Unauthorized Use of License.** All MSPA employees suspecting the unauthorized activity of a ship Chandler are responsible to report said activity to the Chief of Security/Security Watch Supervisor for Investigation/resolution.
- B. **Implementation.** The Captain of Security/MSPA Port Operations is responsible for implementing the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.5 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 154, 158 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.6 Administrative Support**

Port Operations, working in concert with the Port Administrative Office, will provide to the Captain of Security the following administrative support material in support of this instruction:

- A. A current listing of agencies licensed to provide ship Chandler services on the Port; and
- B. A ready supply of Ship Chandler Information Packages to be issued to agencies found operating in violation of Item 162 Schedule of Charges, Rules and Regulations for Port Terminal Services Mississippi State Port at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.7 On-Site Enforcement Authority**

Port Operations, working in concert with and under the advisement of the Deputy Director of Operations, retains on-site authority to determine authorization/exclusion of commercial agencies found in violation of Item 162, Schedule of Charges, Rules, and Regulations for Terminal Services Mississippi State Port Authority at Gulfport and will provide advisement/guidance to the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.8 Guard Outpost Reporting Requirement**

Port Security officers staffing the Entry/Exit Access Gates will consult the current listing of ship chandlers posted by the Captain of Security at each guard house when passing supply and services oriented vehicles through their guard post. These persons will advise the Captain of Security of any commercial agency entering the Port to provide chandler services, suspect to being in violation of Item 162, Schedule of Charges, Rules, and Regulations for Terminal Services - Mississippi State Port Authority at Gulfport.

NOTE: Port Security officers do not have the authority to arbitrarily bar or deny entry of chandler/services oriented vehicle to Port/Shipside facilities except upon the explicit written directions of the MSPA Deputy Director of Operations. This restriction applies to and is extended to include the Port's Captain of Security.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 26.9 MSPA Response to Violations**

Upon advisement, by either a Port Security gate officer or a member of the MSPA staff of suspected activities in violation of Item 162, Schedule of Charges, Rules, and Regulations for Terminal Services--Mississippi State Port Authority at Gulfport, the Chief of Security/Security Watch Supervisor will:

- A. Determine the validity of the commercial agency to conduct chandler oriented services on the Port by consulting the current listing of chandler's licenses
- B. Issue a "Ship Chandler Information" package to drivers of vehicles whose agency is found to be in violation of Item 162. Document said issuance on the registry of information packages for future reference as required. (FIRST VIOLATION)
- C. Issue a "Ship Chandler Information" package marked "2nd Warning" to drivers of vehicles whose agency is found to be in violation of Item 162. Orally caution the driver that failure of the agency to contact the Port Authority to resolve the matter may result in the agency being barred from the Port.
- D. Document said action, to include full name of company/agency, mailing address and telephone number, on an irregularity report for submission, through the Captain of

Security to the MSPA Deputy Director of Operations. (SECOND VIOLATION)

- E. Order the cessation of all service oriented activities by agency/employees of agency found to be in violation of Item 162. Temporarily detain the vehicle at the location and advise the MSPA Deputy Director of Operations of the situation and request assistance/guidance. Be prepared to transport employee to Port Operations or to escort the vehicle from the Port, at the direction of MSPA officials. (THIRD VIOLATION)

NOTE: Irregularity reports generated as the result of Second and Third Violations will be annotated to include reference to previous violation(s) and action(s) initiated.

- F. Upon advisement by MSPA officials; of restrictions implemented against a ship chandler, either currently licensed or found to be in violation of Item 162, the Captain of Security will post an exclusion advisement at all of the Entry/Exit Access Gates. Said advisement will include the requirement for gate guards to contact the Captain of Security, who will verify the validity of the exclusion advisement with MSPA officials before allowing/denying access to the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 27: West Gated Railroad Entrances.**

### **Rule 27.1 Purpose**

Because of the inherent dangers of an unprotected, ground level railroad crossing in a congested traffic area, this instruction establishes procedures to alert vehicles to passing trains and preclude unwarranted accidents.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 27.2 Scope**

This instruction defines areas of responsibility as well as procedures to be taken by the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 27.3 Application**

This instruction is applicable to all Port Security Officers staffing the West Gate.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 27.4 Responsibility**

The Chief of Security is responsible to ensure compliance with the provisions of this

instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.5 Authority**

Schedule of Charges, Rules, and Regulations for Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.6 Procedures When Inbound Train Approaches**

KCS is required to contact the West Gate Radio/Telephone operator via radio with an estimated time of arrival of inbound train. The radio operator will contact the Security Roving Patrol who will:

- A. Open the railroad access gate as requested by KCS.
- B. KCS railroad will enter the Port Facility at a speed of not more than 5 MPH. Under certain situations KCS will request Port Security help with Port traffic control while the train is servicing the Port of Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 27.7 Procedures When Outbound Train Approaches**

KCS will advise Port Security when the outbound train is ready to exit the Port. Port Security will secure each rail gate upon KCS completion of duties on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 28: Contractor Access Control Procedures.**

#### **Rule 28.1 Purpose**

This instruction promulgates access/departure control and documentation of contractors and their agents/employees onto Port property and facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 28.2 Scope**

This instruction defines responsibilities and establishes procedures to control and document contractor access to the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21



### **Rule 28.3 Responsibilities**

- A. The Port Authority, through Port Operations and Port Engineering, is responsible to identify a contract monitor for all contracts let by the Port.
- B. The MSPA Contract Monitor is responsible to identify, to the Port Security, new contractors and areas to be worked as the Port lets new contracts.
- C. The Captain of Security and Port Operations, through Security Officers, are responsible to ensure compliance with this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.4 Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services. Item 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.5 Duties of the Contract Monitor**

As new contracts are let to perform work on the Port, the Port's Contract Monitor identifies:

- A. the contractor's name,
- B. work area and
- C. projected time span of the contract to Port Operations who briefs the Captain of Security.

In the event a contractor has prepaid material, will be dealing with material belonging to the Port, or has material to be left on the Port, the Contract Monitor will provide to the Port Operations and Captain of Security a description of the material.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.6 Further Duties of the Contract Monitor**

The Port's Contract Monitor will brief all contractors on access control and documentation procedures implemented by this instruction. Contractors using prepaid material or dealing with material owned by or to be returned to the Port will further be briefed on dock receipt procedures by the Port's Contract Monitor.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.7 Logbook**

The Port Security Department, through its Entry Control Security Officers, will require all contractors to sign in/out in the "Contractor Control" logbook. (NOTE: Contractors working on the East Pier will be logged In/Cut in the Daily Logbook. All such entries will include: name of contractor, area being worked in, name of individual, and time IN and time OUT.) (NOTE: Contractor vehicles entering the Port with more than one person will be documented by the driver and all persons being transported to the job site.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.8 Removal of Material from Port by Contractor**

Any contractor attempting to remove material previously identified by the Contract Monitor as belonging to the Port, will be challenged by the Access Control Security Officer to present authorization (Gate Pass/Dock Receipt) from the Port. Should said authorization not be available, the contractor will be denied exit and the Captain of Security will be notified, investigate the incident, and contact the Contract Monitor/Port Operations for guidance. (NOTE: All such incidents will be documented as an irregularity as outlined elsewhere in this manual.)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.9 Visitors to Contractor Area**

Visitors to all contractor areas are to sign in/out using the same procedures outlined in this instruction for contractor/contractor employees. All visitors to construction sites are required to possess a TWIC card for access.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.10 Delivery Vehicles**

Vehicles (non-contractor owned) entering the Port for the purpose of making deliveries are required to possess a TWIC card for access onto the Port property and will be required to sign In/Out; also, any vehicle attempting to remove Port prepaid or controlled property, or suspect of attempting to remove said property, will be required to provide to the Access Control Officer(s) authorization, i.e. gate pass/property removal receipt.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 28.11 Highly Pilferageable Materials Monitored**

The Captain of Security/Port Operations will be advised, by the Contract Monitor, of contractor owned/supplied, highly pilferageable supplies/materials pre-positioned/housed on the Port. Whereas the contractor retains responsibility for this material, the Captain of Security and Watch Supervisors will familiarize themselves with said materials' location and periodically

check the material to ensure its security.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 29: Berth Assignment.**

### **Rule 29.1 Berth Assignment**

The Port Authority will assign berths, sheds and open storage areas on a fair and equitable basis, with due consideration for preferential assignment, leases and other existing agreements.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.2 Untimely Arrival**

Failure to arrive as scheduled may result in vessel's loss of berth assignment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.3 Berth Application**

No vessel shall enter or depart the Port of Gulfport until such time as the vessel has received authorization from the Port Authority. Vessels and/or their agents shall be held liable for the payment of all charges incurred by the vessel and its agent, including liability for the payment of all charges incurred by the vessel's cargo, disclosure of principals to the contrary notwithstanding.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.4 Berth Application Procedures**

Any vessel desiring a berth at the Port of Gulfport shall, not less than 48 hours prior to the time of docking, make application in writing on the prescribed form through a licensed agent to the Port Authority for a berth assignment specifying the dates and estimated hours of arrival and sailing, and the nature and quantity of cargo, if any, to be handled. Applications for berth assignments are made by agents of the vessel. Requests made by agents acting for the owners, shippers or receivers of the cargo and performance of any service under this tariff constitutes an agreement by said agents, as the case may be, to be held separately bound and ultimately liable for the payment of all or any part of the charges incurred by the vessel and/or its owners or by the cargo and/or its owners, shippers or receivers, as their respective interests may appear. Application for berth assignment or other facility constitutes an agreement between the applicant and the Port Authority that all charges will be promptly paid upon presentation of invoice therefor, and that applicant will comply with all rules and regulations of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.5 Notification of Indemnity Coverage**

As a part of its application for berth, the vessel, its owners or agents, shall advise the Port Authority of the Protection and Indemnity Association (P & I Club) which affords the vessel indemnity coverage as well as the name and telephone number of the nearest local legal representative thereof knowledgeable to such coverage.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.6 Penalty for Noncompliance**

A penalty charge, equal to the first day's dockage may be assessed against the agent, master and/or owner for any vessel, barge or other water craft that occupies a berth, and/or marginal track in shedded dock space, anchorage, open dock, mooring place, or any other facility in the port for which a berth application in writing has not been received by the Port Authority in advance of the vessel's arrival in port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.7 Temporary Berth**

Temporary berthing may be assigned tugs, barges, crew boats, research vessels or any other vessel during emergency, inclement weather, or any other condition requiring such assignment. Immediately upon arrival the master, owner, or agent must file a formal application for berth assignment. All such vessels are subject to all applicable port rules, regulations and charges. Should such vessels not have a licensed agent, the Port Authority may, at its discretion, act as the vessel's temporary agent and assign an agent's fee in the amount of \$ 50 for each 30-day period of continued service for each unit (tow). All applicable charges shall be paid in full prior to departure of the vessel unless acceptable credit or bond is provided to the satisfaction of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 29.8 Berthing During Nonbusiness Hours**

The Captain of Security/Security Roving Patrol on duty during nonbusiness hours, or at the direction of Port Authority, will, acting in concert with the Deputy Director of Operations, make temporary berthing assignments for unscheduled vessels entering the Port. In all such cases, the Captain of Security/Security Roving Patrol will ensure a berthing application is completed by the ship's master/agent immediately upon arrival in the Port. All such berthing applications will be forwarded by the Port Security Department to the Deputy Director of Operations the next business day. Under provisions of this requirement, the Captain of Security/Security Roving Patrol will ensure Berthing Application includes full address, including zip code and telephone number of the vessel's owner responsible for all Port berthing related charges and fees.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 30: Cargo Space Application.**

### **Rule 30.1 Assignment Application**

Space in sheds and/or open storage will be assigned on receipt or written application, on prescribed Port Authority form, subject always to available space. Application for space should specify commodity, origin and/or destination, tonnage, date of cargo delivery, date of discharge and/or shipment, name of shipper or consignee, vessel, owner and agent.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.2 Maintenance of Space Assigned**

Space assigned will be clean, free of any infestation and suitable in all respects to receive cargo, and acceptance of such space assignment without exception shall be considered an acknowledgement of such good condition and preclude any subsequent claim for damages. Following use, assigned space must be returned in like condition.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.3 MSPA's Right to Control or Assign Space**

The facilities of the Port Authority are for storage, unloading, and/or handling of import, export, coastwise, intercoastal and local cargoes, and the Port Authority reserves the right to control and assign space in the Port terminals for the storage, loading, unloading and/or handling of all freight on and/or in these facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.4 Unauthorized Use Penalty**

A penalty assessment equal to the doubling of all applicable tariff charges shall be made against any agency, stevedoring firm or other user utilizing any Port facilities for the loading, unloading, handling, and/or storage of cargo without prior assignment by the Port Authority of the space being used.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.5 Charges related to Cargo Storage**

Sheddage, open dock, and/or marginal track use is a charge assessed against a specific vessel, barge, or substitute, for providing warehouse, open area and/or marginal track space for the handling of inbound and/or outbound cargo.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 30.6 Covered Cargo Sheds**

Covered cargo sheds, immediately adjacent to wharves and aprons, are intended to directly serve vessels. Covered sheds located a short distance away from wharves and aprons are primarily used for cargo assembly, processing and distribution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 31: Shed Assignment.**

### **Rule 31.1 Assignment**

Generally Upon receipt of Application for Cargo Space Assignment Form, space will be assigned subject to space available, commodity, tonnage, date of receipt of cargo and date of departure of cargo.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.2 Inspection of Shed by Project Manager**

Upon assignment of cargo space the Deputy Director of Operations or his/her designated representative will inspect the shed to ensure it is clean and free of infestation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.3 Cleaning Sheds**

As needed, sheds will be washed clean. Upon washing and if type cargo requires, the Deputy Director of Operations or his/her designated representative will call in the contract pest control company to inspect and treat shed as needed. The cost of the inspection and treatment will be passed on to the stevedore making application.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.4 Post-Cleaning Inspection**

After cleaning, inspecting and treating is complete the Deputy Director of Operations or his/her designated representative will, in the company of the Stevedore, make a joint inspection of the shed. The Stevedore making application shall receive copies of both warehouse inspection form and the Certification of Inspection and Warehouse Condition. The originals of these forms shall be kept on file by the Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.5 Shed Inspection Form**

When it is determined that the shed meets the needs and requirements, a Shed Inspection Form will be completed and signed by both the Deputy Director of Operations or his/her designated representative and the stevedore representative.

The Shed Inspection Form will include, in addition to cleanliness, the fire station conditions, the doors, both roll-up and personnel, condition and any other pertinent information.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 31.6 Inspection Upon Completion of Space Requirement**

When space requirement is completed the Deputy Director of Operations or his/her designated representative and the stevedore representative will again jointly inspect the space. The stevedore will be billed for any cleaning needed and/or damage noted during this inspection. Both the Deputy Director of Operations or his/her designated representative and the stevedore representative will sign the Shed Inspection Form terminating the space assignment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 32: Overseas Waste/Garbage.**

### **Rule 32.1 Definitions**

“Garbage”, as regulated by the terms of this agreement, is defined as "all waste material derived in whole or in part from fruits, vegetables, meats or other plant or animal (including poultry) material and other refuse of any character whatsoever that has been associated with any such material onboard any means of conveyance and including food scraps, table refuse, galley food wrappers or packaging materials and other waste material from stores, food preparation areas, passenger's or crew's quarters, dining rooms, or any other areas on vessels or other means of conveyance."

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.2 Approved Providers of Service**

In accordance with the International Convention for the Prevention of Pollution from ships. MARPOL 73/78 Annex V effective December 31, 1988. The Port of Gulfport has approved the following companies for collection and disposal of domestic and foreign garbage generated by vessels.

Dockside Services 500 Beauregard Street Mobile, Alabama 36603 Phone: (251) 438-2362
--

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.3 Policy Reviewed Annually**

This agreement will be amended as needed to keep it current with revisions of quarantine requirements and shall be reviewed at least once annually.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.4 Plant Protection and Quarantine Officer**

The waste disposal company that is contracted to manipulate, handle, or store regulated garbage in a manner approved by the local Plant Protection and Quarantine (PPQ) Officer (Paul Smallwood) and in a designated area before disposal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.5 Storage of Garbage**

Storage of regulated garbage in plastic bags must be inside a closed building; if outside, must be in sealed plastic bags in a container with a tight fitting lid.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.6 Transport of Garbage**

The waste disposal company transports regulated garbage directly from the USDA APHIS approved storage container or vessel to the disposal facility in closed leakproof containers without diversion. Regulated garbage incinerated to ash.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.7 Approved Disposal Facility**

Dockside Services is an approved handler by the U.S.D.A. to properly remove, process and dispose of regulated and non-regulated waste.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.8 Recordkeeping of Disposal Company**

The contracted waste disposal company will maintain a log which will include the disposal date and quantity (weight) of the garbage. This log will be made available to PPQ upon request.



Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.9 Reporting and Cleaning Spillage**

PPQ Officer will be notified of any spillage. Cleaning and disinfecting will be accomplished immediately. A PPQ Officer can be reached at (228) 822-3102 twenty-four hours a day.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.10 Misappropriation Prohibited**

The contracted waste disposal company will be responsible for foreign food waste in its possession and will not permit misappropriation of any food items.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.11 Identification of Foreign Garbage**

The contracted waste disposal company will use identifiable containers for foreign garbage. Rigid containers shall be lettered with the words "FOREIGN GARBAGE" or a similar acceptable phrase. Letters shall be at least 2 inches high on indoor containers and 4 inches high on outdoor containers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.12 Using a Truck/Container for Purposes Other Than Hauling Foreign Garbage**

The truck/container to be used for a purpose other than hauling foreign garbage must have markings obliterated and be cleaned and disinfected under PPQ supervision prior to such use.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.13 Regulated Garbage Kept Separate**

All regulated garbage is to be kept completely separate from domestic garbage.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.14 Penalty of Noncompliance**

This agreement may be immediately cancelled or revoked for noncompliance or violation of the Federal regulations and may result in a criminal penalty of up to a \$5,000 fine and a year in jail, or both, or a civil penalty of up to \$ 1,000 per violation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.15 Training Program Required**

The companies that are approved by the Port Authority for collection and disposal of regulated garbage shall present a training program to all employees before they are permitted to handle and supervise the handling of regulated garbage.

- A. The training must be approved by the local PPQ Officer in charge.
- B. The training must:
  - 1. Define regulated garbage.
  - 2. Explain garbage regulations and their purpose.
  - 3. Include films, slides, or other training aids on foreign animal, plant pests, and diseases.
  - 4. Specifically outline step-by-step handling procedures for regulated garbage.
  - 5. Be prepared in English and other appropriate languages.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.16 Use of Disinfectants**

Disinfectants should be in accordance with the following guidelines:

- A. 4 percent sodium carbonate solution (soda ash).
- B. The diluted solution is only mildly caustic but will dull paint and varnished surfaces. Mix in proportion of 40 grams per liter of water. (1.4 oz. per quart) 160 grams per 4 liters (5.33 oz. per gallon)
- C. 1" Stroke Environ
- D. Mix 4 ml. per liter of water 1/2 oz/per gallon. Apply to point of runoff. Surface should be free of dirt, grease, etc. before application. Solution is known to be harmful to aircraft. (1" Stroke Environ" is produced by Vestrel Laboratories Div. of Chemed Corp., St. Louis, MO 63110)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.17 Removal of Garbage**

Garbage may be removed from the vessel under these provisions:

- A. All garbage must be placed in double heavy duty, leak proof plastic bags.
- B. Garbage can only be removed from the vessel under direct supervision of a USDA Officer and a representative of the Port.
- C. Garbage must be placed in a special USDA approved container marked "FOREIGN GARBAGE". This container will remain locked except when garbage is being removed from the vessel.
- D. The garbage will be transported by a USDA approved firm for immediate incineration.
- E. Unauthorized removal of garbage will result in a fine of not less than \$500.00.
- F. Encl:
  - 1. USDA Maritime Garbage Controlling Regulations.
  - 2. Compliance Agreement: Dockside Services, Inc.
  - 3. Compliance Agreement: Browning-Ferris Industries.
  - 4. Provisions Letter from USDA PPQ to Vessel.
  - 5. U.S. Naval Vessel Garbage Handling Agreement.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.18 U.S. Navy Vessels**

Recent Veterinary Medical Officer port reviews have indicated the need to restate garbage safeguarding policy for U.S. Navy vessels returning to the U.S. from foreign ports.

- A. U.S. Navy policy is that no foreign origin meats, produce, or milk products will remain aboard any ship returning to a U.S. continental, territorial or offshore U.S. port. "Foreign origin" does not include U.S. origin frozen or canned products issued to a ship from a U.S. overseas military depot or U.S. underway replenishment.
- B. If the boarding officer finds foreign stores, the vessel will be handled exactly like a commercial vessel with respect to garbage safeguarding.
- C. If no foreign stores are found by the boarding officer, the first offloading of garbage must be sterilized or incinerated. This will include, in addition to any garbage on board the vessel at docking, all garbage produced during the first 24 hours in port. Vessels which dock with no garbage will be handled exactly like vessels docking with garbage on board.

Garbage generated subsequent to the above stated first offloading will be handled the same as domestic garbage.

- D. Plan Protection and Quarantine policy relative to military vessel boarding is being incorporated into the shipboarding guidelines (M390.340).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-2

## **Part 301 Chapter 33: Foreign Trade Zone.**

### **Rule 33.1 Location**

The Foreign Trade Zone (FTZ) of the Port of Gulfport, FTZ No. 92, is located at the entire Mississippi State Port Authority at Gulfport. The Foreign Trade Zone is a U.S. Customs controlled facility in which certain imported products can be stored, processed and repackaged, or assembled with U.S. goods without being subject to customs duties until leaving the zone.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 34: Deep Draft Vessels.**

### **Rule 34.1 Deep Draft Vessels**

On a case-by-case basis the Executive Director may grant use of the Gulfport Harbor and Ship Channel to vessels with drafts greater than 30 feet, but not exceeding thirty-six (36) feet, upon a written request of the master, owner and/or agent of the vessel and upon the written recommendation of the Pilots licensed by this Port Authority that such usage is not reasonably expected to impair use of the Harbor or Ship Channel by said vessel or any other vessel. In making such recommendation, the Pilots are to use their best discretion, considering anticipated tides, winds and other factors prevailing at the time. In doing so,- the master owner and/or agent shall covenant and express in writing not to assert liability against the Port Authority and the Pilots and to defend and indemnify the Port Authority and the Pilots from any and all damages arising from or connected with such use and expressly agree to cure any impediment to the continued safe use of the Harbor and Channel by other vessels that may be caused by said vessel. Again, this is not an open policy. It is on a case-by-case basis. MSPA will rely exclusively on the Gulfport Pilots Association's written recommendation in each and every case and if favorable recommendation is not received the vessel will not be granted approval enter the Harbor or Channel.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 35: Hurricane Readiness Procedures.**

### **Rule 35. 1 Introduction**

This document is intended to establish guidelines and procedures for personnel at the

Mississippi State Port Authority at Gulfport ("Port Authority") before, during, and after a tropical storm or hurricane striking in proximity to the Port pursuant to the Mississippi Emergency Management Law, §§ 33-15-1, et seq., of the Mississippi Code. The guidelines and procedures contained herein are not designed to handle every situation an employee may encounter during a tropical storm or hurricane. Considering the uncertainty and unpredictability associated with a tropical storm or hurricane, employees are encouraged to use their basic common sense, personal experience, and discretion in responding to specific situations. Accordingly, all guidelines and procedures contained herein shall be exercised in the discretion of Port Authority employees regardless of whether a particular provision purports to require or mandate certain action. The timelines for certain guidelines and procedures expressed herein assumes that sufficient notice of a potential tropical storm or hurricane is given so that such guidelines and procedures may be utilized, which may or may not be the circumstance with any given tropical storm or hurricane.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.2 Associated Policies and Procedures**

Besides this Procedure, the following associated policies and procedures apply:

- A. Port Authority Terminal Tariff No. 6, as amended from time to time, or any successor tariff;
- B. Administrative Codes of the State of Mississippi;
- C. Port Authority Port Facility Security Plan; and
- D. Any conflict between these Hurricane Procedures and other agreements and regulations should be referred to the Executive Director for resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.3 Oversight Responsibilities**

The following are the general responsibilities of the Port Authority during a threat of a tropical storm or hurricane striking near the Port:

- A. **Executive Department** - Declare the emergency, coordinate intergovernmental activities, keep Board of Port Commissioners and the Mississippi Development Authority informed of all ongoing activities, and supervise overall emergency activities.
- B. **Trade and Development** - Establish a public information service, establish communications with Port Authority customers and assess their needs, and coordinate logistic services in support of recovery.
- C. **Finance & Administration** - Maintain the Port Authority's overall administration

functions, human resource functions, and assist Port Authority employee family members.

- D. **Operations & Maintenance** - Maintain operations at the deepwater Harbor, maintain communication with the U.S. Coast Guard, monitor weather channels and stations and other broadcasts for notification of severe weather reports, implement this Hurricane Procedure, prepare for the threat of the tropical storm or hurricane striking near the Port, and report the status of the tropical storm or hurricane, and the Port Authority's preparations for same, to the Executive Director of the Port Authority
- E. **Official MSPA Spokesperson.** The official spokesperson for the Port Authority during any emergency is the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.4 Conditions of Readiness**

Hurricane Season begins on June 1st and extends through November 30th. Hurricane conditions are set by the U.S. Coast guard Captain of the Port ("COTP"), Mobile Area of Responsibility, and are used to alert the maritime community to changes that may need to be made in the port operations in preparation of an upcoming tropical storm or hurricane. The COTP will provide Maritime Safety Information Bulletins ("MSIB") to all port interest via fax or email whenever a tropical storm or hurricane is approaching or may affect the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.5 MSPA Hurricane Readiness Designations**

The following designations described in Rule 35.8 will be used for describing the Port Authority's Hurricane Readiness Conditions.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.6 Cooperation with U.S. Coast Guard**

The U. S. Coast Guard (Mobile) will keep the Port Authority informed of the formation, path, and threat of a Hurricane or tropical storm. Besides the U.S. Coast Guard, the Port Authority will maintain contact with the Harrison County Civil Defense Office. A Port Emergency Action Team (PEAT) within the Coast Guard has been established to monitor and set storm conditions for the Port. The Port Authority will use the PEAT for assistance in the implementation of the Port Authority's hurricane preparations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.7 Tenants' Hurricane Preparedness Requirement**

Prior to Condition 5 (the duration of hurricane season), tenants are requested to review their own hurricane program, provide a copy of their program to the Port's Operations Department, and to be alert for hurricane warnings. Tenants should secure all non-utilized equipment and/or cargo in their respective leased areas during hurricane season.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.8 Condition-Related Preparation.**

As Hurricane Conditions are set by the Coast Guard, the Port Authority will make efforts to notify tenants and customers so that appropriate action can be taken:

#### **A. Hurricane Alert Condition Five (5) (Hurricane Season – Generally):**

1. Every effort should be made by tenants and customers to secure or remove non-utilized or non-essential equipment or products (e.g., pallets, gear, dunnage, etc.).
2. The Port Authority Deputy Director, Engineering, will make arrangements as necessary, based on the Deputy Director's discretion, for emergency services and equipment to be made available to the Port on a contingency basis.
3. The Deputy Director, Facilities, will make an inventory list of supplies, materials and equipment which, in the Deputy Director's discretion are necessary to perform any and all tasks called for in an emergency situation. The inventory list will be submitted to the Port's Finance and Administration Office for appropriate purchase.
4. The Deputy Director, Operations, will check the emergency communications equipment to verify that it is in a ready condition.
5. The Trade and Development Department will prepare an emergency contact list with the names and telephone numbers of key personnel to be distributed to the employees of the Port Authority for use during the recovery phase.

#### **B. Hurricane Alert Condition Four (4) (Hurricane force winds are possible within 72 hours):**

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 4 is in effect.
2. Port Authority employees will be assigned appropriate materials, equipment and supplies. The Director, Facilities, will, as he or she determines, procure any additional materials needed for the possible hurricane or tropical storm. The Finance and Administration Department will prepare and proceed with any and all purchases for supplies, materials, and equipment deemed necessary in the event of

a hurricane.

3. The Operations Department will prepare a list of expected vessel arrivals and sailings. All expected vessel movements will be confirmed with the vessel masters, owners or agents. Vessels and tenants should complete cargo operations within 36 hours prior to the predicted landfall of the storm and be encourage to leave the Port.
4. The Trade and Development Department will make efforts notify the cargo interests and tenants at the Port to remove sensitive cargoes from the Port to a safe location.
5. Tenants and customers should submit a plan to the Port Authority for securing and/or removing equipment, containers and general cargoes.
6. The Deputy Director, Operations, will make efforts to contact the masters, owners and agents of ocean-going vessels at the Port and request that same vessels be removed to a safe haven. Masters, owners and agents of all ocean-going vessels and Coast Guard regulated barges must advise the Coast Guard and the Port Authority of their intentions and schedule for departing the Port. Vessels that desire to remain in Port must have approval from the Deputy Director, Operations, of the Port authority and provide a heavy weather mooring plan to the Coast Guard for approval.
7. The Operations Department will make efforts to notify ship owners and agents, Gulfport Towing and the Gulfport Pilot Association that any ocean-going vessel with an estimated time of arrival at the Port of less than 72 hours prior to predicted hurricane force winds should be directed elsewhere to seek shelter.
8. All cranes and conveyors will be secured with lashing.
9. A Command Center will be set up and manned in the Port Authority's Administration Offices to monitor the progress of the storm and to be a clearinghouse for all communications. Employees of the Port Authority and local emergency management officials will be notified of the location of the Command Center.
10. The Administration and Finance Department shall prepare, as determined necessary within the discretion of same Department, for evacuation of the Port Authority's records. Computers and related equipment will be removed from the Operation and Maintenance buildings. Any transportation needed by the Administration and Finance Department for evacuation of records and/or equipment will be arranged by the Operations Department.

C. **Hurricane Alert Condition Three (3)** (Hurricane force winds are possible within 48 hours):



1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 3 is in effect.
2. The Deputy Executive Director, Operations, will, within his discretion, notify service providers and contractors to stand by for contingent assignments at the Port and will distribute the Port Authority's vehicles and emergency equipment to assigned personnel as necessary.
3. No ocean-going vessel will be allowed into the Port after the setting of Hurricane Alert Condition 3.
4. The Deputy Director, Operations, will make efforts to contact the masters, owners and agents of ocean-going vessels at the Port and request that same vessels be removed to a safe haven. Masters, owners and agents of all ocean-going vessels and Coast Guard regulated barges must advise the Coast Guard and the Deputy Director, Operations, of the Port Authority of their intentions and schedule for departing the Port. Vessels that desire to remain in Port must have approval from the Port Authority and provide a heavy weather mooring plan to the Coast Guard for approval.
5. Upon recommendation of the Deputy Director, Operations, and in consultation with PEAT, the Executive Director may order vessels to evacuate the Port despite the vessel master's, owner's or agent's desire to remain in Port. If an evacuation is not ordered or a vessel cannot evacuate, the Deputy Directors of Engineering and Operations in consultation with PEAT and the vessel's master, owner and/or agent will establish a storm mooring system for the vessel which must be approved by the Coast Guard.
6. The Trade and Development Department will make efforts to notify tenants and customers at the Port to secure and/or remove their equipment, containers and general cargoes.
7. The Maintenance Department will tape or board up the windows and glass doors to the Port Authority's offices.
8. Cargo operations will be ordered to end by the Operations Department of the Port Authority prior to the entry of Condition 2.
9. The Deputy Director Operations, or his or her designee, will make efforts to inspect Port areas and finalize preparations for the storm. Refrigeration equipment in the chillers and freezers will be secured within the buildings. Upon completion of the inspection and any remaining cargo operations, the Deputy Director, Operations, or the Executive Director will declare the Port closed to all personnel and vessels. The Harrison County Civil Defense Center shall be contacted

indicating that the Port is closed.

D. **Hurricane Alert Condition Two (2)** (Hurricane force winds are possible within 24 hours):

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 2 is in effect.
2. The Mississippi Gaming Commission shall be notified that the Port has declared Condition 2.
3. Emergency communications will be established between Harrison County Civil Defense and designated Port Authority personnel. The Port Authority will man the Center at the Harrison County Civil Defense Center on a 24-hour basis.
4. It is anticipated that the Harrison County Civil Defense will require the evacuation of all persons south of Highway 90.

E. **Hurricane Alert Condition One (1)** (Hurricane force winds are possible within 12 hours):

1. Emergency communications will continue with the Harrison County Civil Defense Headquarters. The Harrison County Civil Defense Headquarters shall be provided names of any personnel remaining at the Port and the names of vessels and their owners, agents and crews remaining on a vessel.
2. The Finance and Administration Department will contact all Port Commissioners, officers, and employees to find out their availability for post-storm recovery actions. A full list of names and telephone numbers of Port Commissioners, directors, and employees will be supplied to the Port's representative at the Civil Defense Headquarters, and the Port Authority Executive Director and Deputy Director, Operations.
3. It is anticipated that the Coast Guard will order that all waterways in the Mobile Area of Responsibility be secured.

F. **Hurricane Arrival:**

1. The Port's designated representatives at the Harrison County Civil Defense Headquarters are to maintain regular contact with key personnel of the Port Authority by telephone or by cellular phone if possible.
2. All Port Authority officers and employees will comply with all directions provided by the Harrison County Civil Defense Headquarters.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.9 Administrative Offices and Other Port Authority Offices**

- A. **Office Preparation.** The Mississippi State Port Authority administrative offices are at One Hancock Plaza, 14th floor, Gulfport, Mississippi. The Deputy Director, Finance, will be responsible for securing the Port Authority offices at this location. Similar procedures should be followed by all other Deputy Directors for each of their respective offices.
- B. **Office Preparation Procedures.** These suggested procedures are to be guidelines for office personnel in preparation for a storm:
1. Desks, shelves and work tables are to be completely clear of objects (paper and desk items may be placed in desk drawers).
  2. Computers and printers are to be moved away from windows, labeled, placed in double plastic bags, and placed in interior office areas.
  3. Telephones are to be unplugged, wrapped in plastic bags and stored in desks or file cabinets.
  4. Small personal objects (e.g., wall pictures, coffee cups, lamps, etc.) are to be stored in desks or file cabinets.
  5. File cabinets are to be moved away from exterior walls and if possible moved to an interior area.
  6. Office doors are to be closed.
  7. Official documents, personnel files, agreements, contracts, permits, and other critical Port Authority documents are to be placed in fire proof cabinets.
  8. All items being moved to interior areas are to be clearly labeled for ease of identification upon return to the offices.
  9. In cases of forecasted Category 3 or greater hurricanes, Port Authority office equipment located on Terminals will be placed in a marine container and moved to a designated offsite location. The Deputy Director, Operations, will be responsible for providing the Finance and Administration Department with a marine cargo container and transportation for the evacuation of the office materials, supplies, and equipment. Materials, supplies, tools, and equipment that may be necessary for recovery should be evacuated to an offsite location.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.10 Aftermath and Recovery**

Following a tropical storm or hurricane striking near the Port, the mission of the Port Authority is to:

- A. First, help local, state, and federal emergency agencies in the immediate protection of life and safety of the public. Second, with the assistance of appropriate State and Federal Agencies, reestablish commercial, deepwater cargo activities at the facilities of the Port. Third, reestablish other business activities at the Port.
- B. Following a hurricane or tropical storm striking near the Port, all employees of the Authority will attempt to contact the Port Authority's Command Center within six hours of the storm passing inland. All employees are expected to return to work as soon as practical and feasible, but should exercise caution in traveling back to work. All employees are needed as soon as possible for recovery efforts; therefore, employees should attempt to contact the Port Authority Command Center for recovery effort schedule information. Each employee will be provided with an emergency contact list to use as needed prior to and after the storm.
- C. The following recovery process will be followed for placing the Port back into operation:
  - 1. The Port Authority personnel at the Harrison County Civil Defense Headquarters will establish communications with the Executive Director, Deputy Directors, and the Temporary Command Center.
  - 2. The Executive Director, all senior Directors, and consulting engineers will assemble at the Port Authority's Temporary Command Center as soon as possible following the storm passing inland. Any member unable to travel to the Command Center will contact the Center by telephone, if possible.
  - 3. Communications will be reestablished with the Coast Guard COTP, Mobile, the Coast Guard Aids to Navigation Office in Mobile and the Arm Corp of Engineers in Mobile to coordinate with PEAT and in consultation with the Gulfport Pilots' Association.
  - 4. The Operations Department and representatives will as soon as possible report to the main East and West Gates at the Port. No one will be allowed to enter the Port Authority without prior approval of a director of the Port Authority or the Harrison county Civil Defense. Engineering and maintenance personnel will as soon as possible report to the West Terminal Operations Offices for job assignments in conducting a full condition survey of the Port.
  - 5. When possible, a full condition survey will be made of all Port facilities and navigation leading to and from the Port. The results of this condition survey need to be transmitted to the Command Center immediately after its completion. The Port will be reopened to inbound and outbound traffic at the completion of the survey and when the Coast Guard and the Gulfport Pilot Association deem the

channel safe for transit. Should a tropical storm or hurricane restrict navigation in or around the Port, the Coast Guard is to be informed so that a Notice to Mariners may be issued indicating same.

6. The Executive Director or his designee will establish contact with appropriate Municipal, County, State and Federal authorities to seek assistance for early reactivation of the Port and to offer assistance when possible.
7. A special meeting of the Board of Port Commissioners will be called when practical to review damage reports and plans for restoration of Port operations.

Source: Miss. Code Ann. §§ 59-1-1, 59-1-9, 59-5-5, and 59-5-21

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## **TITLE 28: Ports and Airports**

### **PART 301: Operations and Procedures of the Mississippi State Port Authority at Gulfport**

#### **Mississippi State Port Authority at Gulfport; Operations and Procedures Manual of the Mississippi State Port Authority at Gulfport**

### **Part 301 Chapter 1. Mississippi State Port Authority (“MSPA”) – Generally**

#### **Rule 1.1 Description.**

The Mississippi State Port Authority at Gulfport is the only State owned deepwater seaport, and is one of the most easily accessible ports on the U.S. Gulf of Mexico. The MSPA is responsible for the daily operations of the Port of Gulfport. The ship channel and harbor basin are maintained by the U.S. Army Corps of Engineers, in cooperation with the MSPA, with an authorized minimum project depth of 36 feet. Tidal range averages 1.5 feet, with actual depth influenced by wind direction and force. Masters and owners of deep laden vessels should consult with the Port Authority and Gulfport Pilots Association. The Port facilities include two piers, East and West, mooring pile clusters and extensive open storage areas, with modern concrete and steel shipside and transit shed, container and trailer marshaling areas. On both piers, shipside double marginal tracks are available with multiple rail trackage serving transit sheds.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 1.2 Mission.**

To be a profitable, self-sufficient Port providing world class maritime terminal service to present and future customers and to facilitate the economic growth of Mississippi through the promotion of international trade.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 1.3 Nautical Coordinates.**

The location of the MSPA is at latitude 30 degrees 21’ 45” North and longitude 89 degrees 05’ 24” West, on the north shore of the Mississippi Sound. The distance from the sea buoy to the Port is 16 nautical miles.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 1.4 Physical Address.**

The location of the Mississippi State Port Authority at Gulfport is 30<sup>th</sup> Avenue South

Extension West Pier, Gulfport, Mississippi 39501. The location of the Administrative Offices of the Mississippi State Port Authority at Gulfport are 2510 14th Street #1450, Gulfport, Mississippi 39501.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 2: Organizational Structure of MSPA**

### **Rule 2.1 Governance Structure of the MSPA.**

The Port is governed by the Mississippi State Port Authority Board of Commissioners. The MSPA's five-member board represents Harrison County and the City of Gulfport and are appointed to staggered, five-year terms. Three members are appointed by the Governor, one by the Harrison County Board of Supervisors, and one by the City of Gulfport.

- A. **Board of Commissioners.** The five-member Board of Commissioners is composed of a President, Vice President, Secretary, Treasurer, and Commissioner.
- B. **Management.** The Executive Management of the MSPA is appointed by the Board of Commissioners, and is composed of: the Executive Director and CEO; the Chief Operating Officer; the Executive Assistant/Human Resources Officer; the Director of Port Restoration; the Chief Commercial Officer; the Deputy Director of Engineering; the Deputy Director of Finance; the Deputy Director of Facilities; and the Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Section 101. Part 301 Chapter 3. Code of Ethics Policy**

### **Rule 3.1 Policy Statement.**

This Code of Ethics shall apply to all Mississippi State Port Authority (MSPA or Port) Commissioners and employees. As public servants, MSPA Commissioners and employees are responsible for conducting MSPA business solely in the public interest. MSPA, as a State agency, is committed to maintaining the highest level of honesty, ethical conduct, and public trust. Personal integrity is the cornerstone of this Code. Each Commissioner and employee bears primary responsibility to assure that his or her actions are consistent with the highest degree of ethical conduct in all aspects of MSPA related business. This Code serves as a guideline for conduct and should be reviewed in conjunction with the MSPA Policy on Conflicts, Employee Guide, Operations Manual, and the statutes which govern the MSPA. Each Commissioner and employee is expected to read, understand, and abide by each provision contained within this Code of Ethics.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.2 Scope.**



While the MSPA Code of Ethics is written primarily with Commissioners and employees in mind, contractors, consultants, agents, and any others who may be temporarily assigned to perform work or services on behalf of MSPA shall abide by and be subject to the provisions of the MSPA Code of Ethics. Failure of a MSPA contractor, consultant, agent or any others to follow the Code may result in termination of their relationship with MSPA. In addition to possible termination, the MSPA reserves the right to pursue any other available legal or equitable remedies. Employees whose active duties with MSPA have been terminated or suspended, but who are still receiving compensation (including paid time off) or benefits from the MSPA, are also expected to comply with the Code of Ethics.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.3 Laws and Regulations.**

~~We~~ Every MSPA Commissioner, officer and employee shall observe all laws, specifically including but not limited to Miss. Code Ann. §§ 25-4-101 to 25-4-119, and any other regulations that apply to MSPA activities. When in doubt about the interpretation of the law, a clarification must be obtained.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.4 Public Trust.**

~~We~~ No MSPA Commissioner, officer or employee shall ~~do not use our~~ his or her public office or employment for any private gain other than the compensation provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.5 Conflict of Interest.**

~~We~~ Every MSPA Commissioner, officer and employee shall avoid conflicts or the appearance of conflicts between ~~our~~ his or her private interests and ~~our~~ his or her official responsibilities for the MSPA. Each Commissioner shall complete and file with the MSPA's General Counsel the MSPA's Ethics and Conflict of Interest Questionnaire and the Mississippi Ethics Commission Statement of Economic Interest. Each employee shall complete and file with the Executive Director the MSPA's Ethics and Conflict of Interest Questionnaire. Further, each Commissioner and employee shall have the affirmative duty to update his or her responses to the questions therein as reasonably necessary to maintain proper disclosure. ~~More specific guidance regarding conflicts of interest, actual or in appearance, are contained within the Operations and Procedures Manual, Number 502, Conflicts Of Interest.~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.6 Illegal Payments.**

~~We do not~~ No Commissioner, officer or employee shall make illegal payments of any sort to any person or business entity to influence its actions regarding MSPA.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.7 Vendors Competitive Bidding Practices.**

MSPA's policy is to award business based off of merit, without favoritism, by securing the best product or service available based off the best interests of the MSPA. We The Board of Commissioners of the MSPA shall follow both legal and ethical standards when evaluating and committing to purchases, and We shall follow legal and ethical bidding practices.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.8 Political Activities.**

~~We do~~ The Board of Commissioners of the MSPA shall not use MSPA funds or assets in support of any political candidate or exert political pressure on employees or vendors. We The Board of Commissioners shall ensure that the MSPA does not make political contributions on its own behalf or on the behalf of any other person. A Commissioner seeking an elected or appointed public office shall notify the MSPA's General Counsel to obtain an opinion whether holding such public office would pose a conflict with serving as a Commissioner of the MSPA. An employee seeking an elected or appointed public office shall notify the MSPA's Executive Director who shall make such a determination. Commissioners and employees alike shall avoid a conflict or appearance of conflict between the Commissioner's or employee's duties to MSPA and duties to another public office.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.9 Fraud Awareness and Prevention.**

MSPA has a zero tolerance policy for fraud, and shall make a prompt investigation into the substance of all allegedly fraudulent activity. Each Commissioner, officer and employee shall strive to maintain a work environment free of fraudulence, and shall immediately report known or suspected fraudulent activity to the designated authorities pursuant to the MSPA Whistleblower Policy. Under this provision, "fraud" is defined broadly to include any act of deception that is, or could reasonably be expected to, result in personal gain. Fraud includes any situation in which MSPA resources are diverted to a Commissioner, officer or employee, or any respective relative, friend, or associate, without prior authorization, which may also include misappropriation. Fraud may exist whether or not there is actual harm to the MSPA. Commissioners, officers or employees could be subject to progressive discipline up to and including immediate termination or dismissal for actions of fraud. In addition to the provisions contained herein, MSPA reserves the right to pursue any other available legal or equitable remedies for actions of fraud. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 3.10 MSPA Resources.**

~~We~~ The Board of Commissioners shall use the resources of the MSPA, including its funds, property, and the time and talent of its employees, only ~~for the conduct in the~~ furtherance of MSPA business. ~~We~~ The Board of Commissioners, every MSPA officer, and employee shall also strive to protect proprietary information, which is a valuable business asset of the MSPA from unauthorized or improper disclosure and/or use.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 3.11 Gifts.**

~~We do not~~ No Commissioner, officer or employee shall accept or solicit gifts, preferential loans, travel, entertainment, or other favors that might reasonably be viewed as influencing ~~on~~ his or her actions or decisions regarding the ~~Port's~~ MSPA business unless authorized by law. The purpose of this provision is to protect the MSPA's business reputation and to protect employees from unfounded allegations of improper behavior.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 3.12 Safety Work Environment.**

~~We work safely and~~ Every Commissioner and employee of the MSPA shall strive to maintain a safe work environment, including one that is free from alcohol and drug abuse and their effects.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 3.13 Environmental Protection Awareness.**

~~We~~ Each Commissioner and employee of the MSPA shall strive to conduct the business of the Port in a manner that protects the environment and in accordance with applicable environmental laws and regulations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 3.14 Fair Employment Practices.**

~~We~~ No person shall be appointed, hired, and promoted, or terminated without regard to ~~on the~~ basis of race, color, religion, sex, marital status, physical or mental handicap, national origin, or age. ~~We~~ The MSPA shall maintain a work environment free of racial or sexual harassment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.15 Discipline – Employees.**

Each employee shall be bound by this Code of Ethics as a condition of employment. A violation of this Code by an employee or refusal to sign the acknowledgment page may result in disciplinary action up to and including suspension from or termination of employment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.16 Discipline - Commissioners.**

A violation of this Code by a Commissioner may result in an official reprimand by the MSPA, including termination of appointment, with a letter describing the violation being sent to the public official or public office who appointed the Commissioner to the Port. A violation of this Code by a Commissioner which is also a violation of the State Ethics Laws may result in notification of the State Ethics Commission. A violation of this Code by a Commissioner which is also a violation of any Federal or State law may result in notification of the appropriate enforcement agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 3.17 Whistleblower Policy.**

All Commissioners, officers and employees have a responsibility to ensure that this policy is followed. Concerns and potential violations should be reported to the designated authorities pursuant to the MSPA Whistleblower Policy as described in Chapter 6 of the MSPA Operations and Procedures Manual. Any Commissioner, officer or employee may raise, in good faith, concerns that one of his or her fellow co-workers is in violation of any provision of the MSPA Code of Ethics without fear of retaliation by his or her supervisor or any other Commissioner, officer or employee of MSPA. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Section 102 Part 301 Chapter 4: Conflict of Interest Policy**

### **Rule 4.1 Policy Statement.**

Mississippi State Port Authority (~~MSPA or Port~~) Commissioners, officers and employees serve in a position of public trust and shall not use their office or employment for improper personal gain. The MSPA requires that each Commissioner, officer and employee avoid any conflict of interest or the appearance of a conflict of interest between his or her personal interests and the interests of the Port when dealing with suppliers, customers, contractors, and all others doing or seeking to do business with the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.2 Definitions.**

For purposes of this Part, the following definitions apply:

**Relative.** A "relative" includes any Commissioner's, officer's or employee's spouse, mother, father, children, siblings, mothers-in-law and fathers-in-law, ~~sons-in-law and daughters-in-law, and brothers-in-law and sisters-in-law;~~ or any other "relative" to a Commissioner, officer or employee identified pursuant to Miss. Code Ann. § 25-4-103.

1. ~~any other relative living as a member of the household of the Commissioner or employee; and~~
2. ~~A Commissioner's, or employee's stepmother, stepfather, stepson, stepdaughter, stepbrother, and stepsister.~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.3 Identifying a Conflict of Interest.**

A conflict of interest exists when a Commission's or employee's duty to give undivided loyalty to MSPA is influenced, or could be influenced, by personal interest. Port Commissioners and employees must ensure that any outside activity or personal interest is kept separate from their position at the MSPA and does not influence their business judgment on the Port's behalf.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.4 Disclosure.**

~~A~~ Any Commissioner, officer or ~~an~~ employee shall not own, directly or indirectly through a relative, a financial interest or have an association that might be viewed as an interest in any business that does or seeks to do business with the Port or is a competitor of the Port without fully disclosing such interest to the MSPA in writing. Unless inconsistent with other law, no Commissioner, officer or employee shall participate in any decision-making, review, approval, selection, authorization or supervisory activity concerning any contract or MSPA transaction in which he or she has a financial interest without first disclosing such interests to the appropriate personnel and a determination made concerning the matter. Commissioners shall disclose such matters to the MSPA's General Counsel and officers and employees shall disclose such matters to the Port's Executive Director. Situations which must be disclosed to the MSPA would include, but are not limited to:

- A. A financial interest in any organization which has business dealings with the Port where there is an opportunity for preferential treatment to be given or received;
- B. A Commissioner, officer or employee or relative of a Commissioner, officer or employee buying, selling or leasing properties, facilities or equipment from or to the Port or to any entity or individual who is or is seeking to become a contractor, supplier, or customer of the Port; and

- C. A Commissioner, officer, employee or relative of a Commissioner, officer or employee serving as officer, director, or consultant with an entity doing or seeking to do business with the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.5 Misuse of Information.**

No A Commissioner, officer or employee shall ~~may not~~ use or release to a third party any confidential information on decisions, plans, or competitive bids or any confidential information concerning the Port which would be prejudicial or detrimental to the interests of the Port. Much of the information developed by the Port is proprietary and confidential and must be protected. Such information includes, but is not limited to, trade secrets, confidential technology, financial records, practices, letters, drawings, personnel records and information, computer programs and databases, customer information, matters discussed during Executive Sessions, requests for proposals, proposed or pending real estate transactions, attorney-client privileged communications, attorney work product, and any other matters not subject to public disclosure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.6 Gifts.**

Commissioners, officers and employees and their relatives shall not accept or solicit gifts or other special privileges with the understanding that the gifts or other special privileges would influence the action or judgment of the Commissioner, officer or employee in carrying out his or her official duties. Although the acceptance of gifts or other special privileges from those doing or seeking to do business with the Port is highly discouraged, Commissioners, officers, employees, and their relatives may accept non-cash gifts where the total fair market value does not exceed \$ 100 per year from any single source. Under this provision, “single source” means any person, vendor or business partner, whether acting directly or through any agent or other intermediary. Gifts in excess of \$ 100 must be disclosed to and approved by the Executive Director in conjunction with MSPA’s legal counsel.

- A. The following are gifts presumed not to influence a Commissioner’s or employee’s action or non-action on any matter and may be accepted without regard to the \$ 100 limit. However, in the event that facts suggest that a gift could influence a business decision, then the MSPA may request that the gift not be offered or accepted.
1. Unsolicited flowers, plants, and floral arrangements;
  2. Unsolicited advertising or promotional items of nominal value, such as pens and stationary;

3. Unsolicited items received by an employee for the purpose of evaluation or review, if the employee has no financial or beneficial interest in the eventual use or acquisition of the items by the MSPA;
4. Food or beverage consumed at hosted receptions where attendance is related to the Commissioner's, officer's or employee's official duties, including admission to, and the costs of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization, provided that where the gift exceeds \$ 100 on a single occasion, the recipient of said gift or other special privilege shall report it to the Executive Director, who may also act in cooperation with MSPA's legal counsel; and
5. Occasional gifts in the form of food and beverage in the ordinary course of meals where attendance by the Commissioner, officer or employee is related to the performance of official duties. Under this provision, "occasional" means not more than four to six times per year with the same person, vendor, or business partner.

B. The following are items which are excluded from consideration as a gift and may be accepted by any Commissioner, officer, employee, or respective relative without constituting a violation of this Policy.

1. Items from family or friends where it is clear that the item was not given as part of any design to gain or maintain influence with the MSPA;
2. Items related to the outside business of a Port Commissioner, officer or employee that are customary and not related to or implicated by the Commissioner's, officer's or employee's performance of his or her official duties;
3. Items exchanged among Commissioners, officers or other employees or between Commissioners, officers and employees, or a social event hosted or sponsored by a Commissioner, officer or employee for co-workers;
4. Items a Commissioner, officer or employee is authorized by law to accept, including, but not limited to, items accepted in accordance with the MSPA's applicable policies and procedures;

5. Payment of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide governmental or nonprofit professional, educational, trade or charitable association or institution; and
6. Awards, prizes, scholarships, or other items provided in recognition of academic or scientific achievement. Unsolicited tokens or awards of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.7 Political Activity.**

MSPA funds ~~may~~ shall not be used for any direct or indirect political contributions. ~~A~~ Any Commissioner, officer or an employee who considers running for public office or accepting an appointment to public office must first disclose this to the MSPA. When a Commissioner, officer or employee informs MSPA that he or she is running for public office, MSPA's Executive Director or General Counsel, as appropriate, will review the matter to determine if a conflict exists and if any action is necessary to avoid such conflict. Regardless, such a candidate shall not solicit campaign contributions from MSPA employees or vendors and shall not campaign upon the MSPA's premises.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.8 Hiring Employment of Relatives.**

~~A Commissioner or a Port employee~~ Any person with authority to hire Port personnel shall not appoint or employ a relative or next of kin of a Commissioner, officer or employee unless certain exceptions apply. Certain exceptions may be made to this policy on a case-by-case basis after disclosure and review by the MSPA's Executive Director or General Counsel, as appropriate, if such an exception serves the best interest of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 4.9 Emphasis of this Policy.**

The emphasis of the MSPA ~~Policy on Conflicts of Interest Policy~~ is disclosure and review of potential conflicts by of the MSPA in order to prevent conduct which would reflect unfavorably upon the Port, the Board of Commissioners, and/or its the officers and/or employees involved.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Part 301 Chapter 5. Anti-Harassment and Workplace Violence Policy**



### **Rule 5.1 Policy Statement.**

The Mississippi State Port Authority at Gulfport is committed to providing a respectful, supportive and productive workplace for all employees that is free of verbal, physical, and visual forms of unlawful harassment and violence or the threat of violence. One of MSPA's core values is treating co-workers, customers, contractors, vendors and community members with respect. Consistent with that value, the Port does not tolerate unlawful harassment or violence or the threat of violence in the workplace.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.2 Scope.**

This policy applies to all forms of unwelcomed communication or conduct that is personally offensive, which debilitates morale and interferes with work effectiveness. It includes, but is not necessarily limited to, unwelcomed verbal or physical conduct that is derogatory toward any employee because of their age, race, color, religion, national origin/ancestry, disability, Family Medical Leave Act use, pregnancy, sex/gender, sexual orientation, whistleblower status, marital status, military status, use of workers' compensation, political beliefs, or any other category protected by law. Not all disrespectful activity rises to a level of severity and pervasiveness that would be considered unlawful harassment. However, MSPA strives to eliminate all disrespectful conduct from the workplace. This policy applies to business-related activities that take place outside of the workplace, such as business-related trips, meetings and social events.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.3 Harassment Awareness and Prevention.**

All Commissioners, officer, employees and other personnel shall take all reasonable precaution to strive to maintain a work environment free of harassment, and shall immediately report known or suspected harassment to the designated authorities pursuant to the MSPA Whistleblower Policy. For more information, please review the provisions contained within the MSPA Whistleblower Policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.4 Violence Prohibited.**

MSPA does not tolerate any type of workplace violence committed by or against its employees or personnel. Employees are prohibited from making threats or engaging in violent activities. In the event of an immediate, potentially dangerous situation, employees should promptly contact their direct supervisor, the Office of Security, and the Director of Human Resources.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 5.5 Commitment to Investigate.**

MSPA will promptly and thoroughly investigate all claims of harassment and/or violence. Complaints will be handled with sensitivity, discretion and confidentially to the extent allowed by the circumstances and the law. In the event prompt remedial action is necessary, MSPA will act in accordance with the terms of this policy and those provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Section 103- Part 301 Chapter 6: Whistleblower Policy**

### **Rule 6.1 General Purpose.**

The Port Authority is committed to conducting its business and affairs honestly and in accordance with federal, state and local laws and regulations and the Port Authority's internal policies. As such, the Port Authority strives to prevent, detect and swiftly correct any violations of law or policy, whether arising from inadvertence, mistake, lack of information or deliberate misconduct.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 6.2 Disclosure.**

To give effect to its commitment, this policy is designed to protect any Port Authority employee who makes a good faith disclosure of potential misconduct to either a designated Port Authority official or public official as described herein below. More specifically this policy:

- A. Encourages employees to disclose wrongful conduct engaged in by others to the appropriate official, so that prompt, corrective steps can be taken by the Port Authority;
- B. Provides employees with information on how allegations of potential misconduct can be disclosed;
- C. Protects employees from reprisal by adverse employment action or retaliation as a result of any employee's having made a good faith disclosure of potential misconduct;
- D. Provides employees who believe they have been subject to any adverse employment action or retaliation as a result of a good faith disclosure of potential misconduct with a prompt, fair process to seek relief; and, further
- E. Provides a fair process and protection to any Port Authority employee who is the subject of a report during any resultant investigation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.3 Supplement Existing Law.**

This policy is intended to supplement Sections 25-9-171 through 25-9-177 of the Mississippi Code of 1972 (dealing with reports of improper governmental action), and Section 1553 of the American Recovery and Reinvestment Act of 2009 (“ARRA”) (dealing with whistleblowing regarding ARRA funding and whistleblower protections).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.4 Corrective Action.**

It is the intention of the Port Authority to take whatever action may be necessary to prevent and correct any activities that violate this policy.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.5 Reporting Potential Misconduct (General).**

It is important for employees to report good faith concerns using the proper channels in order to ensure entitlement to the protections available under State and Federal law. Port Authority employees, contractors and agents are expected to report good faith concerns about: (i) possible violations of any policy, law, rule or regulation related to Port Authority activities; and (ii) the misuse of Port Authority property, resources or authority for personal gain or non-business related purpose.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.6 Reporting Hotline.**

Employees can address any such concerns to The Network, Inc. @ at 1-877-452-3671.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.7 Additional Reporting Methods.**

In addition to the methods outlined above, reports of wrongful conduct under the above paragraph can also be made under State law to the Mississippi Attorney General, State Auditor, Ethics Commission, Joint Legislative Committee on Performance Evaluation and Expenditure Review or any other standing committee of the legislature, or any district attorney of the State of Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.8 Reporting Misuse/Abuse of TIGER/ARRA Funding.**

- A. Notwithstanding the above paragraphs, in the event that an employee has a good faith belief that, in relation to TIGER or other ARRA funding, there has been:
6. gross mismanagement of an agency contract or grant relating to TIGER/ARRA funds;
  7. a gross waste of TIGER/ARRA funds;
  8. a substantial and specific danger to public health or safety related to the implementation or use of TIGER/ARRA funds;
  9. an abuse of authority related to the implementation or use of TIGER/ARRA funds; or
  10. a violation of law, rule, or regulation related to an agency contract or grant awarded or issued relating to TIGER/ARRA funds, such employee should address his or her concerns to The Network, Inc. at 1-877-452-3671.
- B. Reports related to TIGER/ARRA funds can also be made to:
9. the Recovery Accountability and Transparency Board;
  10. an Inspector General;
  11. the Comptroller General;
  12. a member of Congress;
  13. a State or Federal regulatory or law enforcement agency;
  14. a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover or terminate misconduct);
  15. a court or grand jury;
  16. the head of a Federal agency (or their representatives).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.9 Additional Information.**

Additional information regarding whistleblower protection related to ARRA funding may be found at <http://www.recovery.gov>.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.10 Retaliation Prohibited.**

Any retaliation, harassment or adverse employment consequences, of any kind, against employees for making good faith reports of suspected violations is strictly prohibited. All employees making good faith reports of suspected misconduct should feel safe and protected from retaliation. Retaliation includes, but is not necessarily limited to, reprisal in performance reviews or promotion decisions, discharge, reassignment, demotion, suspension, harassment or other discrimination.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.11 Scope of Protection from Retaliation.**

Employees need not know the details of a law, rule, regulation or policy or be certain about a violation in order to receive the protection of this policy. Rather, an employee need only have reasonable grounds to believe that a violation has occurred. If an employee is unsure as to whether reasonable grounds exist, it is the Port Authority's policy that the most appropriate course of action is for the employee to report the concern. Employees are entitled to the full protection of this policy unless a disclosure is proven to have been both (i) unsubstantiated and, (ii) made with malice or knowledge of its falsity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.12 Response to Retaliatory Action.**

The Port Authority will provide all necessary and appropriate support to reporting employees to ensure that they are treated fairly and are protected against retaliation. Further, the Port Authority will promptly respond to concerns of retaliation or unfair treatment linked to an employee's reporting of suspected misconduct. Any employee who retaliates against an individual who makes a disclosure protected under this policy is subject to immediate discipline, up to and including termination.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.13 Confidentiality.**

Employees may make disclosures on a confidential basis either in person or by telephone through the Port Authority's dedicated reporting line 1-877-452-3671. Any such disclosures will be maintained as confidential to the extent possible, consistent with the need to conduct an adequate investigation, and in accordance with Mississippi and Federal laws.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 6.14 Protection for Subjects of an Employee Report.**

Individuals who are subjects of a report will be treated fairly, respectfully, and consistent

with all protections set out in Port Authority policy or applicable law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.15 Post-Report Procedures.**

Any Port Authority employee with supervisory authority who receives a report of a concern regarding a potential violation of law or policy should promptly refer the matter to the most appropriate office or individual. Reports will be promptly investigated within five (5) calendar days, provided however, that reports involving TIGER/ARRA funding will be investigated within twenty-four (24) hours and appropriate corrective action will be taken if warranted by the investigation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 6.16 Good Faith Employment Decisions.**

This revised whistleblower policy shall not in any way prohibit or interfere with good faith, legitimate employment decisions related to any employee.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### Section 500. **Part 301 Chapter 7: MSPA S.O.P. for Standard Employment Procedures**

#### **Rule 7.1 Purpose.**

The purpose of this instruction is to establish the procedure to be used when announcing position openings, selection method in seeking the most qualified applicants and after selection how they are processed for employment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 7.2 Scope.**

This instruction defines the process, assigns responsibilities and delineates specific guidelines to be followed in the hiring of new employees. The procedures of this Chapter have been amended and are contained within Part 305 - the “MSPA Personnel Guidelines, Policies, and Procedures” and Part 309 – the “MSPA Port Restoration Section 3 Plan”.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

~~**Responsibilities.** The responsibility for compliance with state and federal laws governing the hiring of employees for the MSPA rest with the Director of Administration and Finance through the Human Resources Officer (“HRO”) and the appointed Americans with Disabilities Act (“ADA”) expert, (who may be the same person).—~~

~~**Discussion.** The Mississippi State Port Authority at Gulfport is an equal opportunity employer and as such conforms to all laws governing equal opportunity to prospective employees throughout the hiring process. For the purposes of this instruction, the Human Resources Officer (HRO) is the Americans with Disabilities Act (ADA) expert and is primarily responsible for insuring that MSPA is in compliance with the provisions of ADA in its hiring process.~~

~~**Job Application Procedure.** Applicants seeking employment with MSPA will be processed by the Mississippi State Employment Office in accordance with our qualification requirements, a copy of which will be attached to our memorandum requesting applicants to be sent to our HRO for interviewing. Our memorandum will show the following:~~

- ~~(a) Type of positions open;~~
- ~~(b) How many new employees are needed;~~
- ~~(c) Time and date for an interview;~~
- ~~(d) This is an entry level The skills desired for this position and the range of compensation will be paid accordingly, or as shown on the Position Qualification Form;~~
- ~~(e) Probationary employment for six (6) months; and~~
- ~~(f) The condition of employment is the satisfactory completion of a medical examination including controlled substance testing.~~

~~In case MSPA must expand the search outside of the Mississippi State Employment Office for applicants with special qualifications, the same procedures will be followed.~~

~~Applicants meeting our qualifications will be given every opportunity to receive fair treatment during the hiring process.~~

~~The HRO will interview all applicants initially, after interviewing and rating each applicant, the top three (3) applicants will be scheduled for interview by the supervisor of the vacant position. This interview will be conducted at the HRO office. Upon satisfactorily completing that interview, the applicants will be interviewed by the department director or deputy director.~~

~~The department director and the HRO will meet to review results of the interviewing process. The department director will make the final hiring selection from all applicants.~~

~~Requests for new hires from within the MSPA will be made to the Human Resources Office. No one will initiate requests to the State Employment Office or any other office except the HRO. All requests will be made via the normal chain of command. Upon receiving an approved request for a new hiring, the HRO will take the appropriate action and will keep informed all concerned parties informed throughout the hiring process.~~

~~**Physical Requirements for Port Employees.**~~

- ~~(g) Semi-skilled and Unskilled Labor
  - ~~(i) Lift a weight of 70 lbs. waist high and carry a distance of 20' six times per hour;~~
  - ~~(ii) Climb a vertical caged ladder 40' within 2 minutes up to a height of 160';~~~~

- (iii) ~~Exert a 70 lb. pull on a horizontal line;~~
- (iv) ~~Work in a confined space which by design has limited opening for ingress and egress or where movement is restricted, unfavorable natural ventilation which may not be intended for continuous human occupancy;~~
- (v) ~~Work with vibrating equipment such as rivet guns or jack hammers;~~
- (vi) ~~Exert a force of 70 lbs. while pushing;~~
- (vii) ~~Throw an 8 oz. object a distance of 50';~~
- (viii) ~~Work in sudden temperature changing areas such as freezer rooms or extreme heat;~~
- (ix) ~~Run a distance of 50' in 20 seconds;~~
- (x) ~~Lift a weight of 40 lbs. overhead and hold for 10 seconds;~~
- (xi) ~~Work on equipment in excess of 100' in the air using Safety Equipment properly;~~
- (xii) ~~Use of full range peripheral vision to operate a crane, forklift and ether mechanical equipment;~~
- (xiii) ~~Vision corrected to 20/20;~~
- (xiv) ~~Must be able to hear normal conversation spoken within a noise filled environment;~~
- (xv) ~~The minimum educational requirements for MSPA employees in the above positions are either a High School Diploma or GED, one or the other must be in hand when arriving for the initial interview with the Human Resources Officer; and~~
- (xvi) ~~Possess a valid Mississippi State Drivers License and a Social Security number or a Green Card.~~

## **Part 301 Chapter 8. Equal Employment Policy**

### **Rule 8.1 Policy Statement.**

The Mississippi State Port Authority at Gulfport is an equal opportunity employer throughout the job application and hiring process. MSPA embraces and in fact relies on having a diverse workforce. Every employee has the right to work in surroundings that are free from all forms of unlawful employment discrimination. MSPA will not engage in or tolerate any discrimination in the workplace prohibited by local, state or federal law. Specifically, no employee will be discriminated against on the basis of his or her age, race, color, national origin/ancestry, religion, disability, Family Medical Leave Act use, pregnancy, sex/gender, sexual orientation, whistleblower status, marital status, military status, use of workers' compensation, political beliefs, or any other category protected by applicable federal, state or local law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 8.2 Reasonable Accommodations of Disability and Religion.**



MSPA recognizes that employees and other personnel with physical or mental disabilities may need reasonable accommodations to enable them to perform their essential job functions. The need for such accommodations is made on a case-by-case basis. Generally, the Port and the employee will work together in an interactive process to identify and provide possible accommodations. The employee has an obligation to cooperate with the Port in this process, which may include authorizing the Port to communicate with the employee's health care providers concerning the employee's condition, its impact on the employee's ability to perform necessary job-related functions, and possible reasonable accommodations. MSPA also will generally offer reasonable accommodations for an employee's sincerely held religious belief that conflicts with a workplace rule, unless doing so would create an undue hardship on MSPA. Employees or other personnel who wish to request reasonable accommodation of a disability or religious belief should contact the Director of Human Resources at (228) 865-4300. MSPA will evaluate each request consistent with those standards provided by law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

~~Section 104.~~ **Part 301 Chapter 9: Public Access to Public Documents**

**Rule 9.1 General Purpose.** It is the intent of the Mississippi State Port Authority to adopt a procedure for public access to public records pursuant to Mississippi Code Annotated, Section 25-61-1, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

**Rule 9.2 Definitions.** For purposes of this procedure, the following definitions apply:

- A. **Public Records.** "Public Records" shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-61-3, as the same may be amended, but the definition shall not include any documents or records specifically declared confidential or privileged or exempted from public access by law or by a decision of a court of this State or the United States.
- B. **Protected Documents.** "Protected Documents" shall mean records furnished to the Port by third parties which contain trade secrets or confidential commercial or financial information.
- C. **Port.** "Port" shall mean the Mississippi State Port Authority at Gulfport.
- D. **Data Processing Software.** "Data Processing Software" shall have the same meaning as that term is defined in the Mississippi Code Annotated § 25-61-3, as the same may be amended, but the definition shall not include any programs or routines used to employ and control the capabilities of data processing hardware specifically declared confidential or privileged or exempted from public access by law or by a decision of a court of this State or the United States.

- E. **Request.** "Request" shall mean a written request to inspect, copy, or obtain reproductions of Public Records, which describes the Public Record in sufficient detail to allow the Port to identify the documents requested. A request shall be considered made when it is actually received by the Port.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, et seq.

**Rule 9.3 Prompt Review of Request.** The Port shall promptly review each Request.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, et seq.

**Rule 9.4 Adequate Description of Request.**

If the Request does not adequately describe the Public Record(s) being sought or is otherwise ambiguous, written notice to that effect shall be given by the Port Authority to the requesting party. If sufficient clarification regarding the Request is not timely received, the Port will employ its best judgment to determine what Public Records are being requested.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, et seq.

**Rule 9.5 Production of Request.**

The Port shall produce or deny the requested Public Records no later than seven (7) working days from the date of receipt of Request. If the Port is unable to produce the requested Public Records by the seventh working day after the Request is made, the Port shall provide to the requesting party a written explanation stating that the record will be produced and specifying with particularity why the Request cannot be produced within the seven-day period. In no event shall the Port's production to a Request be later than fourteen (14) working days from receipt of the original Request by the Port unless there is a mutual agreement between the Port and the requesting party to allow for a longer time period.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, et seq.

**Rule 9.6 Exempt Records.**

If the Request seeks documents which are exempt from disclosure pursuant to Mississippi Code Annotated §§ 25-61-9, 25-61-11, 25-61-12 or otherwise, the Port shall promptly notify the requesting party in writing that the exempt documents shall not be produced and shall state the specific reasons for the denial. If the Public Records subject to a Request contain both exempt and nonexempt material, the Port shall redact all exempt portions of the Public Records and make the nonexempt portions available for inspection or copying, as appropriate. The Port shall maintain a file of all denials of requests for public records and preserve such denials for three (3) years from the date of each denial, which shall be available for inspection and copying upon written request.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, et seq.

#### **Rule 9.7 Data Processing Software.**

If the Request seeks Data Processing Software obtained by the Port under a licensing agreement that prohibits its disclosure and said software is a trade secret or Data Processing Software produced by the Port which is deemed sensitive, as defined under Mississippi Code Annotated § 25-61-9(6), the Port shall promptly notify the requesting party in writing that the exempt Data Processing Software shall not be produced and shall state the specific reasons for the denial. If requested, the Port shall produce any nonexempt records created by said Data Processing Software and any other nonexempt data relied upon in compiling said records.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, et seq.

#### **Rule 9.8 Third-Party Notification of Request.**

If the Request seeks Protected Documents furnished to the Port by a third party, the Port shall notify in writing the requesting party and the third party who furnished the Protected Documents that such documents will be produced to the requesting party if within a reasonable time of receipt of said Request the third party shall not have obtained a court order protecting such records as confidential. The Port shall therefore produce the documents or comply with the court order, as appropriate.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, et seq.

#### **Rule 9.9 Time, Place, and Fees Related to Production of Request.**

Whenever documents are to be produced, the Port shall notify the requesting party of the time, place, estimated fees or charges, and method access.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, et seq.

#### **Rule 9.10 Fees or Charges of Request.**

The fees or charges shall be the amount reasonably calculated to reimburse the Port for its actual costs of searching, reviewing, duplicating, and mailing, if applicable, the Public Records requested. The cost for searching and reviewing records which may be subject to the Request, shall be based on the actual time expended at the rate of twenty dollars (\$ 20.00) per hour per person performing such work. Copies shall be made at the cost of twenty-five cents (\$ 0.25) per page for documents smaller than 11 by 17 inches. The cost of copying documents larger than 11 by 17 inches shall be at the actual reproduction costs plus the actual time of Port personnel to secure such copies. The estimated amount of all such costs shall be paid in advance of the Port's complying with the Request. If the actual costs differ from the estimate, any overpayment shall be refunded to or any additional costs paid by the requesting party. The Port may require an additional advance deposit calculated to cover the reasonable cost of searching and reviewing documents where such a search and review will require more than one

hour. The Port shall have no duty to fulfill the Request until satisfactory fees and charges are received.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

### **Rule 9.11 Custody of Public Records.**

No Public Records of the Port shall be permitted to leave the custody and control of the Port or its authorized employees or agents.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21 and 25-61-1, *et seq.*

## **Part 301 Chapter 10: Rule-Making Policy**

### **Rule 10.1 Policy Statement.**

The powers of the Port Authority as set forth in Section 59-1-9 and Section 59-5-21 of the Mississippi Code of 1972 include the power to make and publish all needful rules and regulations to govern the harbor, docks and passes within its jurisdiction. In addition, the Port Authority is empowered to act as port wardens and pilot commissioners, and to perform any and all duties pertaining to such within its jurisdiction, and to fix and prescribe tariffs, fees, fines, penalties and forfeitures for the violations of the rules and regulations of said Port Authority. In conjunction with the exercise of certain rule-making authority, the MSPA must comply with the statutory requirements as set forth in the Mississippi Administrative Procedures Act in Section 25-43-1.101, *et seq.*

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.2 Definitions.**

For purposes of this procedure, the following definitions apply:

- A. **Rule.** “Rule” shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-43-1.102(i), as the same may be amended from time to time.
- B. **Rule-making.** “Rule-making” shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-43-1.102(j), as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, *et seq.*

### **Rule 10.3 Rule-making Procedure.**

The MSPA may within its discretion solicit advice or opinion on a proposed Rule pursuant to the provisions of Section 25-43-3.101 of the Mississippi Code Annotated. In addition to the above mentioned statute, the MSPA may within its discretion encourage public participation

pursuant to Section 25-43-3.104 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, et seq.

#### **Rule 10.4 Notice of Proposed Rule Adoption.**

Upon making a determination to adopt a Rule, the MSPA shall provide notice of said proposed Rule pursuant to Section 25-43-3.103 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, et seq.

#### **Rule 10.5 Adoption of Final Rule.**

After properly submitting proposed Rules pursuant to Section 25-43-3.103 of the Mississippi Code Annotated, the MSPA shall adopt final Rules consistent with the requirements set forth in Sections 25-43-3.106, et seq.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, et seq.

#### **Rue 10.6 Maintaining a Rule-making Record.**

The MSPA shall maintain a Rule-making record pursuant to Section 25-43-3.110 of the Mississippi Code Annotated, as the same may be amended from time to time.

Source: Miss. Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-43-1.101, et seq.

### **Part 301 Chapter 11. Open Meetings Requirement**

#### **Rule 11.1 General Purpose.**

It is the intent of the Mississippi State Port Authority at Gulfport to adopt a procedure to conduct meetings in an open and public manner, and that citizens be advised of and be aware of the decisions and deliberations involving the determination of public policy and public business pursuant to Mississippi Code Annotated, Section 25-41-1, et seq.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, et seq.

#### **Rule 11.2 Definitions.**

For purposes of this Part, the following definitions apply:

- A. **Meeting.** "Meeting" shall have the same meaning as that term is defined in Mississippi Code Annotated § 25-41-3, as the same may be amended.

- B. **Executive Session.** "Executive Session" shall be limited to those matters allowed to be exempted from the open meetings requirement under Mississippi Code Annotated § 24-41-7(4), as the same may be amended from time to time.
- C. **Port.** "Port" shall mean the Mississippi State Port Authority at Gulfport.
- D. **Board.** "Board" shall mean the Board of Commissioners of the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, et seq.

### **Rule 11.3 Open Meetings Generally Held.**

The Port shall hold Meetings open to the public at all times unless such Meeting be declared an Executive Session as provided for in Mississippi Code Annotated, § 25-41-7.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, et seq.

### **Rule 11.4 Notice.**

The Port shall provide notice as required by law, including but not limited to Miss. Code Ann. § 25-41-13. The Port shall not be required to provide advance notice of teleconference or video meetings continued to address an emergency as provided in Mississippi Code Annotated § 25-41-5(5) or to include the agenda of a Meeting conducted by teleconference or video means for which proper notice was already given and the purpose of the continued meeting is set during the meeting prior to adjournment.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, et seq.

### **Rule 11.5 Emergency Meeting.**

The Port may conduct an emergency Meeting by teleconference or video means, or otherwise provided by law, as often as necessary if an emergency exists and the Board is unable to meet in a regular session. The Port shall state the nature of the emergency Meeting upon the minutes. The Port shall comply with the requirements of notice, minute keeping, recordation, and preservation as related to the emergency Meeting.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, et seq.

### **Rule 11.6 Meeting by Teleconference.**

The Port may conduct any Meeting through teleconference or video means allowing a quorum of the Port, as prescribed by law, to be at different locations for the purpose of conducting the Meeting provided participation is available to the public at one or more public locations specified in the public meeting notice. The Port shall suspend any action taken at the

Meeting in the event of any interruption in the teleconference or video broadcast of the Meeting until repairs are made and public access restored. If the Port conducts a Meeting by teleconference, an audio recording of the Meeting shall be retained by the Port. If the Port conducts a Meeting by video means, an audio/visual recording of the Meeting shall be retained by the Port. Any audio or audio/visual recording shall be preserved by the Port for a period of three (3) years following the date of the Meeting and shall be made available to the public at all times therein.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

#### **Rule 11.7 Agenda.**

The Port make available to the general public at the time of the Meeting an agenda or materials distributed to members of the Port and staff of the Port present at the Meeting.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

#### **Rule 11.8 Opportunity to Address the Board.**

The Port shall provide the general public attending the Meeting from any designated remote location the opportunity to address the Board just as persons attending the primary or central location.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

#### **Rule 11.9 Conduct During Meeting.**

The Port may make and enforce reasonable rules and regulations for conduct of persons attending its Meetings in order to avoid disruption. Any person shall be permitted to orderly and respectfully address the Board under the rules and regulations established herein. Any person may be properly excluded from attendance to a Meeting for breach of peace.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

#### **Rule 11.10 Minute Record Keeping.**

The Port shall keep minutes of all Meetings as required by Mississippi Code Annotated § 25-41-11, showing the members present and absent; the date, time and place of the Meeting; an accurate recording of any final actions taken at such Meeting; and a record, by individual member, of any votes taken; and any other information that the Port requests be included or reflected in the minutes. Votes taken during any Meeting conducted through teleconference or video means shall be recorded by name in roll-call order and included in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after the recess or adjournment and shall be open to public inspection during regular business hours at 2510 14<sup>th</sup> Street # 1450, Gulfport, Mississippi 39501.

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Rule 11.11 Executive Session.**

Any Commissioner of the Port shall have the right to request by motion a closed determination upon the issue of whether or not to declare an Executive Session. Upon an affirmative majority vote of all members present, such Meeting shall be closed for a preliminary determination of the necessity of Executive Session, and the total vote on the question of entering Executive Session shall be recorded and spread upon the minutes. The Port shall not transact any other business until the discussion of the nature of the matter requiring Executive Session has been completed. The reason for holding an Executive Session shall be stated by the Board in an open meeting, and the reason so stated shall be recorded in the minutes of the Meeting. Any effective declaration of Executive Session shall be effective to that particular meeting on that particular day and, the Port shall not use any Executive Session to circumvent or defeat the purposes of Mississippi Code Annotated § 25-41-1, *et seq.*

Source: Mississippi Code §§ 59-1-1, 59-1-9, 59-5-21, and 25-41-1, *et seq.*

### **Section 104. Payroll Procedures – Hourly.**

#### **SALARY AND PAYCHECK**

~~Your salary is confidential and should not be discussed with other employees. Your personnel officer or supervisor will answer any questions concerning your salary~~

~~The pay periods for the Mississippi State Port Authority are biweekly. The checks are issued on the Friday following the Wednesday in which the period ended.~~

~~The Payroll Clerk is responsible for the following Hourly Payroll Procedures:~~

~~I. Receive Bi-Weekly Time Sheets and Time Cards from the Operations Department on the Friday after the end of the pay period. The time cards will be checked against the sheets by the Operations Clerk.~~

~~A. Bi-Weekly Time Sheets:~~

- ~~1. Made out by supervisor.~~
- ~~2. Has employee's name and payroll number.~~
- ~~3. Shows number of hours each employee works, with hours broker down to indicate time spent on the job.~~

~~4. Shows the regular and overtime hours worked for the pay period.~~

~~H. Transfer Personal Leave, Major Medical Leave, Leave Without Pay, etc. to Hourly Time Sheet and check this time against the employee's leave records. If no leave time on books, Leave Without Pay should be entered on time sheet.~~

~~III. Hours are totalled for each employee on the time sheets and shown in the appropriate columns. Each column is totalled at the bottom of the sheet. Totals of each column are added. Totals in Straight Time and Overtime columns should equal hours from the time cards. If these do not equal, retrace steps backward until mistake is found and correct it.~~

~~IV. Add any adjustment from previous payroll.~~

### **Section 105. Payroll Procedures – Salaried.**

#### **SALARY AND PAYCHECK**

~~Your salary is confidential and should not be discussed with other employees. Your personnel officer or supervisor will answer any questions concerning your salary.~~



The pay periods for the Mississippi State Port Authority are bimonthly. The checks are issued on the 15th, and 30th, or 31st, of each month.

The Payroll Clerk is responsible for the following Salaried Payroll Procedures:

#### **Section 106. Port Authority Telephones.**

The Executive Director issued a directive about telephone calls. He said, "Let's keep them short and businesslike. Hold personal calls to a minimum: e. course, no long d-stance personal call—at Port's expense." There now appear—to be a growing number of people ignoring this direct vet

"I am asking for the cooperation from all of you. Please tell your friends and family to call you at work only when absolutely necessary. Make only those outgoing personal calls that cannot be made before or after work."

"Service" is our only business. The better we serve the more we will grow. The more we grow; the more opportunity you have for personal rewards. Let us not hurt our opportunities by abusing the use of business telephones.

#### **Section 107. Travel Expense Guidelines.**

##### **I. PURPOSE**

To provide guidelines accounting procedures, and policies for expenses incur—ed in the business affairs and trade development efforts of the Mississippi State Port Authority at Gulfport.

##### **II. DEFINITIONS**

A. Routine Travel Expense: Costs incurred by the designated employee—or food, lodging, and transportation while attending to the day to day business of the Authority. Generally these casts are expected to be incurred when dealing with representatives of private business or—her governmental agencies, where entertainment is not necessary.

B. Trade Development Travel Expense: Costs incurred for food, lodging, and transportation when a designated employee travels in-state, out of state, or to a foreign country to meet with customers or prospective customers of the Authorities or other persons that may be helpful in attaining the objectives of the Authority.

C. Business Promotion: Costs incurred in entertaining or hosting customers of the Authority, or other persons that may be helpful in attaining the objectives of the Authority. These costs include, but are not limited to, meals, gifts, airfare, lodging, beverages, automobile rentals, etc., for which a designated Authority employee requests reimbursement, also the cost of hosting or attending meetings, conferences, seminars, and trade conventions.

##### **III. Rules or Meal Allowances**

A. Maximum daily rate for meal reimbursement of State employee while on official travel:  
Display Table

B. The amount—allowed for individual meals, whether or not overnight is involved, shall be at the discretion of the Executive Director provided that the total does not exceed the maxi-mum daily expenditure set above.

C. Any fees charged for attending the official meetings of a convent on, seminar or similar convocation where the meeting includes a meal are excluded from the daily maximum; however, claims for reimbursement for these fees must be supported b: a receipt of these fees cause the total daily reimbursements claims—or meals to exceed the maximum daily expenditure set above.

\* High costs areas are those cited outside the state of Mississippi designated in the Federal Register as having a prescribed maximum per diem daily rate of \$ ,5.00 or higher. The Fiscal Management Board will reimburse actual meal costs in those cities on a sliding scale not to exceed the following rates:

## FEDERAL REGISTER STATE

### Display Table

~~ALL RECEIPTS SHOULD BE TURNED IN WITH YOUR VOUCHER FOR REIMBURSEMENT.~~

#### IV. RULES FOR LODGING

~~A. When the traveler is using a public carrier, the contract travel agent shall provide lodging reservations with written confirmation of reservation and rate. The rate quoted on the written confirmation is guaranteed by the contract travel agent but any claim for discrepancy in rates must be documented with a copy of the confirmation and hotel bill. Proof that the hotel reservations were made by the contract travel agency must accompany the expense voucher for reimbursement. Note: The trigger for the requirement that lodging be obtained through the travel agent is the use of public transportation. IF PUBLIC TRANSPORTATION IS NOT USED, THE TRAVELER IS FREE TO MAKE HIS/HER OWN LODGING ARRANGEMENTS.~~

##### ~~B. In State Lodging~~

~~1. The State Travel Coordinator's office maintains an updated agreement with various Mississippi hotels for the employee rates. These are single occupancy rates good only for employees on official state business. Always check with the State Travel Coordinator to check an updated list of agreements before you travel.~~

##### ~~C. Out of State Lodging~~

~~1. Interstate discounted lodging is often available through government rates programs and honored by participating properties of most chains (e.g. Holiday Inns, Hyatt Inns Marriott, Hilton, Sheraton, Ramada etc. others). The state contract travel agent shall check for the government rate or lowest rate available when use of the travel agent is required or requested. When driving and making your own arrangements, always request the government rates when making reservations and/or checking in.~~

~~2. When traveling out of state on official state business you take a letter from an agency official defining your purpose of travel and who (person/agency) you have business with. You may be asked for identification at hotels and this will be adequate. When traveling to the State of Texas on official state of Mississippi business, always request exemption from Texas taxes on the hotel rate. We are exempt, but you will need the letter recommended above.~~

~~ALL RECEIPTS FROM LODGING IN AND OUT OF STATE SHOULD BE PRESENTED WITH YOUR VOUCHER FOR REIMBURSEMENTS.~~

#### ~~V. Travel with an Airline or other Public carrier:~~

~~1. Section 24-3-41, MS Code of 1972 directs the Fiscal Management Board to contract with a single travel agent to provide all necessary travel services for state officers and employees traveling on official state business. This means "Whenever a state employee travels in the performance of his official state business by airline or other public carrier, he/she shall have his/her travel arrangements handled by such travel agency." The number of this agency, the Ask Mr. Foster Travel Agency, is 1-800-362-6464.~~

~~2. You will call them and get a quote on price and then check with will the travel agents before confirmation is made, you will on the less expensive trip, always with coach fare. If you know in the future that you will have to travel please try to take advantage of early booking.~~

#### ~~VI. International Travel~~

~~1. Travel outside the continental limits (Hawaii and Alaska are outside) of the U.S. must be approved by the Governor and Fiscal Management Board. A copy of the letter giving approval of~~

travel and a signed and approved MAAPP Form 13.20.22 (Request for Approval of International Travel) MUST be attached to the travel voucher for reimbursement.

The state contract travel agent shall arrange for international travel, including lodging and car rental services. They will also provide information on inoculation requirements, if any, and assistance in obtaining passports and visas when needed. Voluntary or involuntary charges after departure from the U.S. will be made independently by the traveler. If the change results in additional costs, a.. approved letter from the travel authorizing agency must accompany the expense voucher.

#### ~~VII. AUTOMOBILE TRAVEL.~~

1. Reimbursements of personal automobile or other private motor vehicle travel will be at the rate of \$ .20 per actual and necessary miles traveled. However, such reimbursements will be limited to the lesser of such actual and necessary mileage or the lowest available air fare. The employee should report on the voucher the actual costs incurred while the bottom margin of the voucher should document the difference in expenditure cost with the lesser cost being reflected on the total line of the voucher. When two or more employees travel in one private vehicle, only one travel expense at the authorized reimbursement rate per mile shall be allowed.

~~WHEN AN EMPLOYEE ELECTS TO DRIVE IN A PRIVATE OR STATE AUTO ON STATE BUSINESS, HE/SHE IS FREE TO MAKE THEIR OWN HOTEL ARRANGEMENTS.~~

Charges for rental cars shall be allowance only when there is a demonstrated cost savings, including compensated employee time over other modes of transport, such as buses, subway, and taxis and not strictly for the convenience of the employee. The most economical rental car and rental car company shall be used, and the lowest cost vehicle necessary to achieve the traveler's mission shall be reserved. Rental car reservations made in conjunction with public carriers, must be made through the state contract travel agency, who will send the traveler a confirmation of the reservation and the rate. Should you arrive and find a more economical car elsewhere, you may change without calling the agency. You will attach the original confirmation from the agency along with the receipt of the more economical car used, to the expense voucher.

#### ~~VIII. Conferences, Seminars, Workshops~~

1. Conference airlines: When a special airline discount has been negotiated for a specific conference and which requires the conferee to go directly to the airline to obtain the discounted fare reservations, he should call the State contract travel agent and give them all the information relating to the conference fares and rates. They will attempt to obtain the conference rate, or lower rate, for the employee. If this is not possible contact the State Travel Coordinator at 359-2072 for assistance.

2. Conference Hotels: When hotel rooms are blocked for a conference, seminar, etc., and a special discounted conference hotel rate is provided, the employee should go through the conference housing bureau, or when appropriate, directly to the hotel to obtain lodging. A copy of the conference literature must be attached to the expense voucher showing the rates in the conference package.

3. Conference Meals: Shall not be claimed as a separate item of expense on the travel voucher when included in the conference registration fee, unless meals are excluded from the fee and a receipt is attached to the expense voucher.

4. Conference Registration fee: Are reimbursed when supported by the receipt with the expense voucher.

#### ~~IX. Expenses:~~

1. ~~Phone Calls:~~ Phone calls, postage, and other expenses include in the "other travel cost" column must be certified at the bottom of the travel voucher by the employee that they are valid business expenses. Phone calls itemized on a hotel bill should be circled and indicated if they were for business or deducted and not claimed if they were personal calls.

2. ~~Taxi Fares:~~ Fares in excess \$ 10.00 require a receipt which must be attached to the expense voucher.

3. ~~Baggage Handling:~~ Reasonable charges will be allowed without receipt

4. ~~Hotel/Airport Parking:~~ For charges in excess of \$ 10.00, receipts must be attached to the expense voucher.

#### ~~X. Travel Advances~~

1. ~~Travel advances for out of state travel are authorized by section 25-1-7, MS Code of 1972, if approved by the director the agency. (A travel advance is never given for in-state travel) An advance generally will not be given before 10 days of the travel. As soon as the employee returns from the travel, a travel voucher should be completed and the advance settled. This is to be done whether the employee's expenses were more, less, or equal to the employee's advance.~~

#### ~~XI. Travel Vouchers~~

1. ~~In-state and out of state travel may be submitted on the same voucher.~~

2. ~~Travel vouchers should be typed or completed in ink and signed by the employee.~~

3. ~~Hotel receipts submitted should be the original form the desk provides when the bill is paid, AS OPPOSED TO A CREDIT CARD RECEIPT.~~

#### ~~XII. Authority~~

~~Section 25-3-41 Mississippi Code of 1972, establishes guidelines for travel reimbursement or officers and employees of the State of Mississippi, or any department, agency, institution, board or commission thereof. It also provides that the Fiscal Management Board shall promulgate rules and regulations to effectuate economies for all expenses authorized under this section.~~

### **Section 108. Part 301 Chapter 12: Purchasing Rules and Guidelines**

#### **Rule 12.1 Governing Law.**

The Mississippi State Port Authority at Gulfport shall follow the public purchasing laws expressed in §§ 31-7-1, *et seq.* of the Mississippi Code and any applicable provisions of the Mississippi Department of Finance and Administration, Office of Purchasing, Travel and Fleet Management's Procurement Manual applicable for the purchase of all commodities, equipment and services. In the event any provision herein conflicts with the statutory provisions of §§ 31-7-1, *et seq.* of the Mississippi Code, the statutory provisions shall control.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 12.2 Purchase Requisition.**

Purchase requisition form is completed when an employee signs a request for purchase and a Deputy Director or Director approves the requisition with his/her signature.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 12.3 Solicitation Process.** The requisition is presented to the Purchasing Agent who then solicits prices on the goods or services requested.

- A. If the price of the good or service is under \$5,000.00, then the purchasing agent will place an order with the lower priced vendor and issue a purchase order at that time.
- B. If price is over \$5,000.00 but less than \$50,000.00, two (2) written bids submitted on a vendor's letterhead or identifiable bid form and signed by authorized personnel representing the vendor must be solicited by Purchasing Agency and approved by the Executive Director. The lowest and best bidder shall be selected.
- C. If the price is over \$ 50,000.00, legal advertisement must be placed in the newspaper specifying the goods or services needed according to the advertisement procedures expressed in § 31-7-13(c). After bids have been received by the Port staff, the accepted bid is presented to the Board of Commissioners of the Mississippi State Port Authority for their approval and selection of the lowest and best bidder.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 12.4 Approval of Board.**

The solicitation and contract for any purchase anticipated to cost \$50,000.00 or more shall be approved by the Board of Commissioners prior to advertisement. Any contract over \$100,000.00 has to be approved by the Mississippi Development Authority. After approval from the Mississippi Development Authority, the contract will be returned to the Mississippi State Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 12.5 Rights of MSPA.**

Nothing herein shall be construed to be inconsistent with the rights provided to the Mississippi State Port Authority pursuant to § 59-5-37 of the Mississippi Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 12.6 CDBG Funds.**

To the extent U.S. Department of Housing and Urban Development Community Development Block Grant funds are utilized in a procurement, such procurement must fully comply with the applicable requirements set forth in 24 C.F.R. § 84.44 or 85.36, OMB Circulars A-87, A-122, A-21 or A-133.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Part 301 Chapter 13: Bid Protest Procedures**

### **Rule 13.1 Right to Protest.**

Any actual or prospective bidder, offerer, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Executive Director. The protest shall be submitted in writing within seven (7) days after such aggrieved person knows or should have known of the facts giving rise thereto.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.2 Authority to Resolve Protests.**

The Executive Director or his designee(s) shall have the authority to settle and resolve a protest of an aggrieved bidder, offerer, or contractor, actual or prospective, concerning the solicitation or award of a contract.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.3 Decision.**

If the protest is not resolved by mutual agreement, the Executive Director or his designee(s) shall promptly issue a decision in writing. The decision shall:

- A. state the reason(s) for the action taken; and
- B. inform the protestant of its right to an administrative hearing before the Port Board of Commissioners.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 13.4 Notice of Decision.**

A copy of the decision under ~~subsection (4)~~ Rule 13.3 shall be mailed or otherwise furnished immediately to the protestant and any other party intervening.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.5 Finality of Decision.** A decision under Rule 13.3 ~~subsection (4) of this subpart~~ shall be final and conclusive, unless:

- A. fraudulent; or
- B. any person adversely affected by the decision appeals administratively to the

Board of Commissioners in accordance with Rule 15 below.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.6 Complaint to Procurement Officer.**

Complainants should seek resolution of their complaints initially with the Procurement Officer or the office that issued the solicitation. Such complaints shall be in writing.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.7 Filing of Protest.**

Protests shall be made in writing to the Executive Director, and shall be filed in duplicate within seven (7) business days after the protestor knows or should have known of the facts giving rise thereto. A protest is considered filed when received by the Executive Director. Protests filed after the seven (7) day period shall not be considered.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.8 Subject of Protest.**

Protestors may file a protest on any phase of solicitation or award including, but not limited to, specification preparation, bid solicitation, award, or disclosure of information marked confidential in the bid or offer.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.9 Form.**

To expedite handling of protests, the envelope should be labeled "Protest." The written protest shall include as a minimum the following:

- A. the name and address of the protestor;
- B. appropriate identification of the procurement and if a contract has been awarded, its number;
- C. a statement of reasons for the protest; and
- D. supporting exhibits, evidence, or documents to substantiate any claims unless not available within the filing time in which case the expected availability date shall be indicated.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.10 Requested Information; Time for Filing.**

Any additional information requested by any of the parties should be submitted as expeditiously as possible to promote consideration of the protest. Failure of any party to comply expeditiously with a request for information by the Executive Director may result in resolution of the protest without consideration of any information which is untimely filed pursuant to such request.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.11 Stay of Procurements During Protest.**

When a protest has been filed within seven (7) days and before an award has been made, the Port Authority shall make no award of the contract until the protest has been settled unless the Executive Director makes a written determination, after consulting with the Board of Commissioners, that the award of the contract without delay is necessary to protect substantial interests of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.12 Making Information on Protests Available.**

The Port Authority shall, upon written request, make available to any interested party information submitted that bears on the substance of the protest except where information is proprietary, confidential, or otherwise permitted or required to be withheld by law or regulation. Persons who wish to keep such information submitted by them confidential should so request by specifically identifying such information within documents submitted, and indicating on the front page of each document that it contains such information. The availability of such information shall be in compliance with the Mississippi Public Records Act of 1983, §§ 25-61-1, *et seq.* of the Mississippi Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.13 Decision by the Executive Director.**

A decision on a protest shall be made by the Executive Director as expeditiously as possible after receiving all relevant, requested information.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.14 Effect of Judicial or Administrative Proceedings.**

The Executive Director will refuse to decide any protest when a matter involved is the subject of a proceeding before the Board of Commissioners or has been decided on the merits by the Board. If an action concerning the protest has commenced in court, the Executive Director shall not act on the protest. This subsection shall not apply where the Board or a court



requests, expects, or otherwise expresses interest in the decision of the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.15 Appeal of Protest Decision By Executive Director or His Designee(s).**

- A. **Scope.** This subsection applies to an appeal addressed to the Board of Commissioners of a decision under Rule 4 above.
- B. **Time Limitations on Filing a Protest Appeal.** The aggrieved person shall file an appeal with the Board of Commissioners within seven (7) days of an adverse decision by the Executive Director or his designee(s) under Rule 4 of this Chapter. It is sufficient for the notice of appeal to be directed to the ~~Chairman~~ President of the Board of Commissioners.
- C. **Decision.** The Board of Commissioners shall promptly decide whether the solicitation or award was in accordance with the Constitution, statutes, regulations, and the terms and conditions of the solicitation. The proceeding shall be de novo. Any prior determinations by the Executive Director or his designee(s) shall not be final or conclusive.
- D. **Standard of Review for Factual Issues.** A determination of an issue of fact by the Board of Commissioners under this subsection shall be final and conclusive unless arbitrary, capricious, fraudulent, or clearly erroneous.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.16 Request for Hearing.**

A contractor or prospective contractor that has appealed a protest decision pursuant to Rule 15 of this Chapter may request a hearing before the Board of Commissioners on the appeal. Such request must be received by the Board of ~~Directors~~ Commissioners at the time the appeal is filed.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.17 Notice of Hearing.**

If a hearing is requested, the Port Authority shall send a written notice of the time and place of the hearing before the Board of Commissioners.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.18 Authority of Chairman of the Board as Hearing Officer.**

The Chairman of the Board, as hearing officer, in the conduct of the hearing, has the

power, among others, to:

- A. hold informal conferences to settle, simplify, or fix the issues in a proceeding, or to consider other matters that may aid in the expeditious disposition of the proceeding either by consent of the parties or upon such officer's own motion;
- B. require parties to state their positions with respect to the various issues in the proceeding;
- C. require parties to produce for examination those relevant witnesses and documents under their control;
- D. rule on motions, and other procedural items on matters pending before such officer;
- E. regulate the course of the hearing and conduct of participants therein;
- F. receive, rule on, exclude, or limit evidence and limit lines of questioning or testimony which are irrelevant, immaterial, or unduly repetitious;
- G. fix time limits for submission of written documents in matters before such officer;
- H. impose appropriate sanctions against any party or person failing to obey an order under these procedures, which sanctions may include:
- I. refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence;
- J. excluding all testimony of an unresponsive or evasive witness;
- K. expelling any party or person from further participation in the hearing; and
- L. take official notice of any material fact not appearing in evidence in the record, if such fact is among the traditional matters of judicial notice.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.19 Hearings Procedures.**

- A. Hearings shall be as informal as may be reasonable and appropriate under the circumstances and in accordance with applicable due process requirements. The weight to be attached to evidence presented in any particular form will be within the discretion of the hearing officer. Stipulations of fact agreed

upon by the parties may be regarded and used as evidence at the hearing. The parties may stipulate the testimony that would be given by a witness if the witness was present. The hearing officer may require evidence in addition to that offered by the parties.

- B. A hearing may be recorded but need not be transcribed except at the request and expense of the contractor or prospective contractor. A record of those present, identification of any written evidence presented, and copies of all written statements and a summary of the hearing shall be sufficient record.
- C. Opening statements may be made unless a party waives this right.
- D. Witnesses shall testify under oath or affirmation. All witnesses may be cross-examined.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.20 Determination of Hearing Officer; Final Decision.**

The Chairman of the Board, as hearing officer, shall prepare a written decision regarding the Board of Commissioner's decision on the appeal as expeditiously as possible. The Board of Commissioner's final decision shall recite the evidence relied upon. The decision shall be sent promptly to the actual or prospective bidder, offerer, or contractor who is aggrieved.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.21 Determination that Solicitation or Award Violates Law.**

A solicitation or award may be in violation of the law due to actions of state employees, bidders, offerers, contractors, or other persons. The Executive Director or the Board of Commissioners may determine that a solicitation or contract award is in violation of the provisions of state procurement law or regulations. Any such determination shall be made in writing after an opportunity to be heard is given, and such determination is subject to appropriate appeal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.22 Remedies Prior to an Award.**

If prior to award it is determined that a solicitation or proposed award of a contract is in violation of law, then the solicitation or proposed award shall be: (a) canceled; or (b) revised to comply with the law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.23 Canceling or Revising Solicitation or Proposed Award to Comply with Law.**

A finding by the Executive Director, after consultation with the Board of Commissioners, that the solicitation or proposed award is in violation of law will constitute a compelling reason to cancel or revise a solicitation or proposed award.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.24 Remedies After an Award.**

If after an award it is determined that the solicitation or award is in violation of the law, then the contract will be canceled.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.25 Termination.**

Contracts based on awards or solicitations that were in violation of law shall be terminated at no cost to the Port Authority, except as may be approved by the Board of Commissioners in compliance with state law.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.26 Effect of Declaring a Contract Null and Void.**

In all cases where a contract is voided, the Port Authority shall endeavor to return those supplies delivered under the contract that have not been used or distributed. No further payments shall be made under the contract and the Port Authority is entitled to recover the greater of: (a) the difference between payments made under the contract and the contractor's actual costs up until the contract was voided; or (b) the difference between payments under the contract and the value to the Port Authority of the supplies, services, or construction if obtained under the contract. The Port Authority may, in addition, claim damages under any applicable legal theory.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.27 Appeal and Review of Board Decision on Appeal.**

Any person or party receiving an adverse decision may appeal from a decision by the Board Protest Committee to the designated court or courts of the State.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 13.28 Discontinuance of Contractor's Appeal.**

After notice of an appeal to the Board of Commissioners has been filed, a contractor may not discontinue such appeal without prejudice, except as may be authorized by the Board.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Section 109. Part 301 Chapter 14: Reporting of Oil Spills and Hazardous Chemical Spills**

**Rule 14.1 Responsibility to Report Incident.**

All operators and leaseholders at the Port have the legal obligation to notify various agencies of a release of any potentially hazardous substances. In the event a listed hazardous substance or extremely hazardous waste ~~is~~ released, in an amount equal to or exceeding the reportable quantity (Normally one pound), or that substance, the following parties must be notified:

- A. ~~1-State Emergency Response Commission (SERC) which includes DEQ at 1-800-222-6362~~ 1-888-786-0661;
- B. ~~2. Local Emergency and Planning Commission/Wade Guice's Office Harrison County Civil Defense Office at 228-865-4002~~ 864-3843;
- C. ~~3-National Response Commission at~~ 1-800-424-8809 (NRC is manned by U.S. Coast Guard personnel who enter reports of pollution and environmental incidents as received and relate each report to an on-scene coordinator (OSC). The operator of a facility is required to report to NRC immediately upon a release or spill of hazardous substances;
- D. ~~4-MSPA at~~ 228-865-4300;
- E. ~~5-U.S. Coast Guard Marine Safety at 1-251-441-5976~~ 1-205-690-2286;
- F. ~~6-Fire and Police Department at~~ 911; and
- G. ~~7-To obtain additional assistance for the most effective handling of such an incident, it is important that you also call CHEMTRAC at 1-800-262-8200~~ 1-800-424-9300.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 14.2 Information to Include When Reporting Incident**

The following information, if available at the time of the report ~~being made,~~ should be included:

- A. ~~1-Name,~~ address and telephone number of the individual reporting the incident;
- B. ~~2-Name of the party or individual responsible for the incident;~~

- C. ~~3-~~Mailing address of the responsible party;
- D. ~~4-~~Telephone number of the responsible party;
- E. ~~5-~~Date and time the incident occurred or was discovered;
- F. ~~6-~~Specific location of the incident;
- G. ~~7-~~Name of the substance ~~matter~~, ~~as~~ spilled or released, if known;
- H. ~~8-~~Source of the released material;
- I. ~~9-~~Cause of the release;
- J. ~~10-~~Total quantity discharged;
- K. ~~11-~~Was material released into the air, around, water or subsurface;
- L. ~~12-~~ Amount released into water;
- M. ~~13-~~ Weather conditions existing at the time of the incident and until the time of reporting;
- N. ~~14-~~Vessel name, railcar/truck number or other identifying information;
- O. ~~15-~~Name of carrier;
- P. ~~16-~~Name and type of injuries or fatalities;
- Q. ~~17-~~Whether evacuations have occurred;
- R. ~~18-~~Estimate dollar amount of property damage;
- S. ~~19-~~Description of clean-up action taken and future plans; and
- T. ~~20-~~Other agencies you have notified or planned to immediately notify.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 14.3 Penalty for Noncompliance.**

If the incident poses an immediate crisis as much of the above information as possible should be communicated and it is not necessary to take time to develop all the information prior to calling. As a matter of fact, failure to immediately notify could result in hefty fines being levied against the operator or leaseholder for untimely report. If operators or leaseholders fail to notify the authorities of a release, ~~operators~~ either are subject to civil penalties of up to \$25,000

a day for each day of non-compliance. Repeat offenders can be fined up to \$75,000 a day. In addition, criminal penalties may be imposed on any person who knowingly and willfully fails to provide notice."

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **109. Reporting of Oil and Hazardous Chemical Spills**

~~Leaseholders and operators using the facilities of the Mississippi State Port Authority have a legal responsibility to report Hazardous Material Releases.~~

~~Display Table~~

~~To obtain additional assistance for the most effective handling of such an incident, it is important that you call, as soon as possible, CHEMTREC at 1-800-424-9300~~

~~Failure to report Hazardous Chemical Releases are subject to civil penalties up to \$ 25 000, in addition criminal penalties may be imposed on any person who knowingly and willfully fails to provide notice.~~

~~Section 110.~~ **Part 301 Chapter 15. Procedure for Selection of Architectural & Engineering Services.**

#### **Rule 15.1 A. General Policy Statement.:**

This operating procedure establishes the guideline procedures for the selection and engagement of outside professional project management, architectural, engineering, design, and construction management services for public works project at the Port of Gulfport that shall cost in excess of \$ 50,000. For purposes of this operating procedure, "public works projects" shall include both new construction and major maintenance projects. The term "public works costs" shall mean the cost of engineering plus the cost of the improvements (construction and maintenance).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 15.2 General Application.**

This procedure assigns responsibilities and sets forth specific guidelines for the solicitation, evaluation, recommendation, and final selection of professional services to be engaged by the Mississippi State Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 15.3 Special Consideration for Projects less than \$50,000.**

For projects that cost less than \$ 50,000, the Executive Director may modify these guidelines to meet the specific project requirements. However, prior to a making a recommendation to the Port Commission, the Executive Director shall have received written proposals from at least three qualified firms.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 15.4 B. Scope and Application.**

This operating procedure applies to all Mississippi State Port Authority management personnel involved in the solicitation, evaluation, and recommendation of professional project management, architectural, engineering, design, and construction management services. Selection of professional services shall be made consistent with Section 73-13-45 of the Mississippi Professionals and Vocation Code.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 15.5 C. Responsibility.**

The Executive Director is primarily responsible for the selection process. The Executive Director shall make the final recommendation to the Port Commission. The award of professional services contracts rests with the Mississippi State Port Authority Board of Port Commissioners. All firms engaged to perform project management, architectural, engineering, design, and construction management services shall perform such services in accordance with contract terms and conditions approved by the Port Commission. It shall be the responsibility of all firms seeking work at the Mississippi State Port Authority to be familiar with this Operating Procedure, the Mississippi Professional and Vocation Code, the M.S.P.A. Code of Ethics, and the Construction General Conditions.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 15.6 D. Procedures.**

The process for solicitation and evaluation of professional services recommended is as follows:

- A. ~~1.-(RFQ/RFP.)~~ Preparation of a Request for Qualifications and Proposal to include, but not be limited to the following information: Project Identification, Project Objective/Goal, Required professional services, Order of Magnitude Cost, Special Provisions, and Selection Criteria. If the project is associated with any previously performed feasibility study, strategic master plan, or special area plan, then a copy of the plan or study approved by the Port Commission shall be provided.
- B. ~~2.-(Solicitation.)~~ Proposals shall be solicited from qualified firms on an industry-wide basis and based upon the disciplines required. The Mississippi State Port Authority shall maintain an active list of firms interested in providing project management, architectural, engineering, design, and construction management on file with the M.S.P.A. staff Engineer. Firms seeking to be placed on a list of firms interested in providing services shall complete Standard Form #254 "Architect-Engineer and Related Services



Questionnaire".

1. **Specific Request Projects.** For a specific project, a Request for Qualifications and Proposal shall be mailed to firms on the Port Authority's active list; shall be published in a newspaper of general circulation in Harrison County; shall be distributed to industry clearinghouses related to the specific services needed; and shall be mailed to firms on an industry wide basis who are normally engaged in the discipline required.
  2. **Non-Active List Firms.** As part of the Request for Qualifications, all firms not on M-S-P-A's active list, shall provide a list of every job performed over the last three (3) years in the area of discipline being sought that is in excess of \$ 100,000 or an amount comparable to the overall project budget as set by the Executive Director in the solicitation. Failure to disclose such information may be grounds to disqualify the firm.
  3. **Cut-Off Date to Respond.** A specific cutoff date and time for submitting the required information will be included in the solicitation
- C. ~~3. (Selection Criteria.)~~ The Executive Director shall be responsible for establishing selection criteria for specific projects. ~~The following general criteria is suggested:~~  
[Display Table]
- D. ~~4. (Staff Evaluation.)~~ The Port staff will make an independent evaluation of all the firms responding to the Port Authority Request for Qualifications and Proposal for ~~the~~ each specific project. The independent evaluation shall include selecting past clients to make inquiries regarding past experience with the firm. Specific questions to be answered are:
1. ~~(a)~~ Was the quality of work satisfactory?
  2. ~~(b)~~ Was the work performed in a timely manner?
  3. ~~(c)~~ Was the proposed budget for the project met? If not, why ~~not~~?
  4. ~~(d)~~ How were professional fees established for the project? ~~Was~~ Were the professional fees within the established limits of the project? If not, why ~~not~~?
  5. ~~(e)~~ Are ~~Is~~ there any potential claims from the contractor, subcontractors, or other vendors related thereto? Are ~~Is~~ there any threats of litigation related thereto?

6. ~~(f)~~ Should this firm be recommended for employment again?

E. **Ranking of Potential Candidates.** Upon completion of the background investigation, the Port staff will review and rank the firms based upon the evaluation factors in this operating procedures and/or those established by the Executive Director in the Request for Proposal for related projects. A written staff evaluation shall be provided to the Executive Director ranking all of the firms in the following categories:

1. ~~(a)~~ Firms Highly Qualified and Recommended for further consideration.
2. ~~(b)~~ Firms Qualified for the Related Services
3. ~~(c)~~ Firms Not Qualified and Not Recommended for further consideration.

F. ~~(5)~~ ~~(Recommendation.)~~ The Executive Director shall review all the materials related to the staff evaluation. Based upon his independent evaluation, the Executive Director may, in his sole discretion, alter the ranking of the staff evaluation of the firms' qualifications and experience to perform the related services.

G. **Selection – Phase One.** The Executive Director shall select the top firms deserving further consideration. The Executive Director's finalists shall be reviewed with the ~~Department of Economic and Community Development~~ Mississippi Development Authority.

H. **Selection – Phase Two.** Following a review and evaluation, the Executive Director and the ~~Department of Economic and Community Development~~ Mississippi Development Authority shall submit a joint recommendation to the Board of Port Commissioners for their review and consideration. The Board shall select the principal firm to negotiate a fee contract with and an alternate firm to be negotiated with only if the Executive Director and the selected firm are unable to reach agreement. ~~services contract.~~ In submitting the joint recommendation to the Board of Port Commissioners, copies of all submittal and materials that influenced the recommendation shall be provided to the members of the Port Commission.

I. **Selection – Phase Three.** ~~(6)~~ ~~(SELECTION)~~ The Board of Port Commissioners shall review and consider the selection of the firm best qualified and experienced to perform the related services at a regular or special public meeting. The Port Commission shall select the firm and one alternate for the Executive Director to negotiate a professional services

contract. All firms that proposed on the project shall be notified of the meeting along with the Executive Director's recommendation.

- J. **Modification of Selection Process.** Based upon the scope of the project and prior to initiation of the selection process, the Executive Director may with the concurrence of the Port Commission modify the selection ~~SELECTION~~ process. This operating procedures shall not limit the Board's decision to invite finalist to appear before them at a regular meeting for further questioning and interviewing. Selection by the Board of Port Commissioners shall be based upon Qualifications and Experience for the related services.

- K. **Fee Negotiations.** ~~(7) (FEE NEGOTIATIONS)~~ Proposed fees shall not be entered into the selection process. Upon selection by the Board of Port Commissioners of the best qualified and experience firm, negotiations shall be undertaken by the Port Authority's Executive Director. Fees may be negotiated either on a fixed fee, time and materials with a cost not to exceed, or percentage of contract cost basis.

If during the fee negotiations, the Executive Director declares an impasse between the firm selected and the Management, the Port Commission may direct the Executive Director to resolve the impasse on specific terms and conditions or may direct the Executive Director to initiate negotiations with the alternate firm.

- L. **Contract Provisions.** ~~(8) (CONTRACT)~~ All terms and conditions of the professional services contract shall be consistent with the Request for Proposal and Qualifications. The proposed fee schedule shall be consistent with local standards for related type of services within the State of Mississippi. The contract terms and conditions shall be consistent with the terms and conditions of the Port's Construction General Conditions.

- M. **Engineering Firm Supervision Requirement.** All engineering services shall include provisions that requires a representative firm to be present at the job site for critical phases of the work (i.e. cover-up work such as the pouring of reinforced concrete) to insure that the contractor is complying with the construction specifications of the project. All engineering firms engaged in construction management firms shall sign a certificate stating that the project was "constructed in full compliance with the Plans and Specifications of the Construction Contract"

- N. ~~E.~~ **Interpretation.** All administrative interpretation of these procedures shall be made by the Executive Director. Nothing in this operating procedure shall prohibit the procedures for selection of project management, architectural, engineering, design, and construction management services to be modified to meet specific project requirements. It shall be the responsibility of the Executive Director to identify all changes and modifications to these

operating procedures prior to official solicitation of the proposal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**~~Section 111. Call-Out of M.S.P.A Employees During Non-business Hours.~~**

~~A. Purpose: This instruction provides notification and approval procedures governing the non-business hour call out of MSPA non-exempt employees which incurs "overtime pay". Because unscheduled overtime costs may have an adverse impact on the Port's operating expenses, the following procedures have been prepared for the call out of non-exempt employees during non-business hours. It is not the intention of this operating procedure to restrict the call out of employees when the situation warrants overtime. This operating procedures in intended to insure Department Mangers have been notified and have authorized the call out of the non-exempt employees.~~

~~B. Scope and Application: This operating policy and procedure applies to all department managers, supervisors, and crew leaders of non-exempt employees of the Mississippi State Port Authority. Further, this operating procedure shall be included within the Security Operating Procedures for the contract security service provider.~~

~~C. Responsibility: All department managers, supervisors, crew leaders, and the Port Authority's contract security personnel are responsible to ensure compliance with the provisions of this operating procedures.~~

~~D. Procedures: Prior to calling a Mississippi State Port Authority non-exempt employee during non-business hours, other than authorized linchhandlers as specified in "Linchhandlers Call Out Instructions", an appropriate Port Authority Manager shall be called for authorization and approval. The following managers shall be called to respond to situations involving the designated area of responsibility:~~

~~Display Table~~

~~When an above listed Manager is not available to authorize a call-out for his particular area of responsibility, the Executive Director shall be called. If the Executive Director is not available, the following calling order shall be used:~~

- ~~1. Assistant Executive Director~~
- ~~2. Manager of Engineering and Maintenance~~
- ~~3. Manager of Finance and Budget~~
- ~~4. Maintenance Supervisor~~
- ~~5. Operations Manager~~

~~When a call is made to the respective Manager, the following information shall be included in the Security Log—The Date and Time the Call was made to the Manager and the reason for the requested call-out (providing as much detail as possible). If the Manager does not authorize the call-out, an appropriate notation shall be made into the Log. If the callous is authorized, the following additional information shall be included in the Security Log: the time the appropriate employees were contacted; the time the employees arrived on-site; and the time the employees departed.~~

~~By close of business on the first regular business day following the call-out, the immediate supervisor of the called-out employees shall prepare a written "Irregularity Report" providing the following information: reason the employees were called-out; a brief description of what the employees did during the call-out; a log of the time the employees were contacted, arrived on site, and departed; and if follow up action is required, a brief description of what follow up~~

action is required. The "Irregularity Report" shall be forwarded to the responsible Department Manager, the Manager of Finance/Budget and the Executive Director

E. Interpretation: Interpretation of this operating procedure shall be made by the Mississippi State Port Authority Executive Director.

**~~Section 112. Public Access to Public Documents [See new section 104].~~**

**~~Section 113. Holiday Pay.~~**

Employees at the Mississippi State Port Authority currently receive regular pay for ten (10) holidays and for any other day proclaimed as a holiday by the Port Authority. The holidays are currently:

New Year's Day (first day of January)

Robert E. Lee/Martin Luther King's Birthday (Third Monday of January)

Washington's Birthday (Third Monday of February) \*

or Mardi Gras (Tuesday before Ash Wednesday) \*

Good Friday (Friday before Easter)

Memorial Day (Last Monday of May)

Independence Day (Fourth Day of July)

Labor Day (First Monday of September)

Veterans' Day (Eleventh day of November)

Thanksgiving (Fourth Thursday of November)

Christmas Day (Twenty-fifth day of December)

\* Office remains open with adequate staffing.

If any legal holiday falls on a Saturday or Sunday, then the following Monday may be observed as a legal holiday.

Some employees shall be required to work on a given holiday, you may be granted equivalent time off at a time convenient for you and your supervisor. Overtime, when authorized, shall be at one and one-half times the regular rate and shall be paid only where the number of hours worked per week exceed the standard work week of forty (40) hours. Work performed on holidays shall be at the regular rates.

If you have any questions concerning this matter, please feel free to discuss it with your supervisor.

**~~Section 115. Part 301 Chapter 16: Sign Approval & Placement.~~**

**~~GENERAL~~**

**Rule 16.1 A. Purpose.**

The purpose of this procedure is to establish control and regulate the placement of signs of all types within the boundaries of the port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.2 Scope.**

In keeping with this purpose and intent, this ordinance is designed to permit only such signs as will not, by their reason, size, location, construction, or manner of display, endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic

safety, or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a manner as to support and complement land-use objectives in such a fashion that high standards for the visual environment within all areas of the port are developed and maintained.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.3 B. Definitions and City of Gulfport Comprehensive Sign Ordinance, March 1987.**

The Mississippi State Port Authority has adopted by reference and incorporated herein provisions of the City of Gulfport Comprehensive Sign Ordinance, March 1987, as amended from time to time, as follows:

- A. Section II Definitions;
- B. Section IV. Signs Permitted in General Business, Light Industrial and Heavy Industrial Districts ~~{Provision 4.3}~~;
- C. Section V. Prohibited Signs;
- D. Section VI. Construction Specifications; and
- E. Section VII. Exempt Signs ~~{Provisions 7.1 (a) through (e) and 7.2 (a) through (P)}~~.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.4 Conflict between Authorities.**

In the event of a conflict between the City of Gulfport Comprehensive Sign Ordinance and this procedure, the policies of the City of Gulfport shall prevail. In all cases where the City of Gulfport must issue a permit for a sign to be placed on property of the Mississippi State Port Authority at Gulfport, the applicants shall submit application to the City of Gulfport independently from the application submitted to the Port Authority. It shall be the applicant's sole responsibility to determine if a City permit is required.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.5 C. Permits.**

Except as otherwise provided in this procedure, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign on the Port of Gulfport or cause the same to be done, without first obtaining a sign permit for each such sign from the Port Authority as required by this procedure. These directives shall not be construed to require any permit for a change of copy on any sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the

sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with requirements of this ordinance on the date of its adoption unless and until the sign is altered or in any manner whatsoever, except as provided herein above, or is relocated to another location at the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.6 ~~D.~~ Application for Permit.**

Application for a permit shall be made to the Port Authority and shall be accompanied by such information as may be required to assure compliance with all appropriate laws and regulations of the City of Gulfport Sign Ordinance including, but not limited to;

- A. ~~(1)~~ Name and address of owner of the sign;
- B. ~~(2)~~ Name and address of owner or the person in possession of the premises where the sign is located or to be located;
- C. ~~(3)~~ Clear and legible drawings with descriptions and normal dimensions, showing location of the sign which is the subject of the permit and all other existing signs whose construction requires permits, when such signs are on the same premises;
- D. ~~(4)~~ If required by the City of ~~Gulfport~~ Gulfport Sign Ordinance, an approved permit from the City of Gulfport issued in accordance with the City's sign ordinance; And
- E. Application for permit shall be filed with the ~~Manager~~ Deputy Director of Engineering, Mississippi State Port Authority at Gulfport, together with a permit fee of \$ 50~~0~~.100.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.7 ~~E.~~ Issuance of Permit.**

The Port Authority shall issue a permit when the permit application is properly made and approved by the Board of Commissioners of the Mississippi State Port Authority at a regularly scheduled meeting of that body. When a permit is denied, suspended or revoked, written notice shall be given stating the reason therefore.

- A. Duration of Permit. All permits shall be for a one year period and shall be renewed not later than thirty (30) days prior to the expiration date.
- B. Renewal Fees. Unless a sign is to be modified, altered, or replaced, there shall be no renewal fee for the extension of the permit for an additional year. If modification, alteration, or replacement is requested then the applicant

shall file a new application and pay a new permit fee.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.8 F. Notification to MSPA Inspection.**

The person locating, erecting, altering or relocating a sign shall notify the Port Authority's engineer immediately upon completion of the work for which permits are required. The Port's engineer shall inspect and have the authority to order the repair, alteration or removal of signs.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.9 (1) Inspection.**

All free-standing signs shall be subject to a footing inspection and all signs to a final electrical inspection by a Qualified Inspector. Applicant shall reimburse the Port Authority for all costs associated with footing and electrical inspection.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.10 (2) Maintenance.**

Every sign on the Port, excluding building and window signs, including but not limited to those signs, for which permits, or for which no permits are required, shall be maintained in good structural condition at all times at the sole cost and expense of the applicant.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.11 (3) Signs Declared Unlawful.**

The Port Authority's Executive Director may declare any sign unlawful if it endangers public safety for reason, including but not limited to, improper placement or location, inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons that the sign constitutes a safety hazard to the general public. The Port Authority's Executive Director may declare any such sign to be unlawful, and such declaration shall state, in writing, the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this procedure.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.12 H. Signs Permitted.**

Permitted signs shall be those signs permitted under Section 4.3 of the "City of Gulfport Comprehensive Sign Ordinance" covering General-Business, Light-Industrial and Heavy Industrial Districts. All provisions of this Section 4.3 shall apply.



Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.13 ~~III.~~ Prohibited Signs.:**

Prohibited signs shall be those signs prohibited under Section V of the "City of Gulfport Comprehensive Sign Ordinance. All provisions of ~~this~~ Section V shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.14 ~~IV.~~ Construction Specifications.:**

Construction Specifications shall be the same as those set forth in Section VI of the "City of Gulfport Comprehensive Sign Ordinance". All provisions of this Section VI shall apply.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.15 ~~V.~~ Exempt Signs.:**

Exempt signs shall be the same as those set forth in Sections 7.1 (a) thru (c) and 7.2 (a) thru (p) of the "City of Gulfport Comprehensive Sign Ordinance."

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.16 ~~VI.~~ Removal and Disposition of Signs.:**

All signs shall be maintained in a safe, presentable and good structural material condition at all times. Abandoned, dangerous, defective, or unlawful signs may be removed or required to be removed upon giving 30-days' notice to the owner. All removal and disposition of signs shall be at the sole cost and expense of applicant and/or person responsible for the placement of the sign.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 16.17 ~~VII.~~ Administration.:**

All administrative interpretations of this policy and procedure shall be made by the Executive Director. The Executive Director shall designate a representative to monitor, inspect and enforce the provisions of this procedure. The duties and responsibilities of the Authority's representative shall include, but not be limited to the following:

- A. ~~(4)~~ Examine all applications for permits for erection of signs, authorize the continued use of signs which conform with the requirements of this ordinance, record and file all applications for permits with any accompanying plans and documents, make an annual inspection of all signs on the Port and make such reports as the Port may require.

- B. ~~(2)~~ If any sign has been constructed or erected or is being maintained in violation of the provisions of the procedure, promptly notify the owner or lessor thereof in writing.
- C. ~~(3)~~ Keep the Executive Director advised of all applications, violations, and inspections.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Section 200. Risk Management Program; Standard Operating Procedures for Safety.**

### **I. GENERAL**

A. **PURPOSE:** ~~The Purpose of this Standard Operating Procedure is to standardize and promulgate procedures to be followed in providing a safe working environment through the Risk Management Program for personnel, equipment and property of and on the Port of Gulfport.~~

### **B. SCOPE:**

~~This Standard Operating Procedure defines the Risk Management Organization, assigns responsibilities and establishes specific duties and guidelines for the program.~~

### **C RESPONSIBILITY:**

~~The responsibility for the safe operation of the Port of Gulfport rest with the Executive Director through the Risk Management Program Director (RMPD) who is the Safety Officer, and the Department Directors~~

### **H. DICUSSION**

#### **A. DEPARTMENT DIRECTORS:**

~~1. Under the Executive Director, the department directors primary role is leadership. They must insure that safety is a priority that is never less than any other priority.~~

~~a. Insures that established performance standards for various risk management work areas are being followed.~~

~~b. Evaluates supervisors performance standards and raises those standards if they are not in line with expectations, assisted in this by the Risk Management Program Director (RMPD).~~

~~c. When occasion demands, act as a member of the permanent accident review board.~~

~~d. Assists with accident investigations of serious accidents within the respective departments.~~

~~SERIOUS, defined as causing injuries requiring medical attention by a physician and equipment or property damage above \$ 200.00.~~

~~e. Conducts periodic monthly tours of department facilities with the RMPD, the facilities supervisor and the Department Risk Management Representative, (DRMR).~~

~~f. Insures inspections are performed on all equipment which require safety inspections in accordance with prescribed procedures and following the inspection forms provided for each individual piece of equipment.~~

#### **B. SUPERVISORS:**

~~1. Each supervisor has the responsibility for maintaining safety and healthful working conditions within his area of authority.~~

~~a. Insure all policies and procedures are fully implemented for maximum efficiency of each job.~~

~~b. Perform weekly inspection to find and correct deficiencies in facilities and periodically check work procedures, employee job knowledge or attitudes that adversely effects the risk management efforts. Take action where required.~~

- e. Insure that each employee is fully trained for the job and is certified in writing to operate all equipment associated with that job. Copy to RMPD.
  - d. Insure all employees thoroughly understand published department work rules and specify that compliance with them is mandatory.
  - e. Set a good example by working safely and demand that those working with you follow your leadership.
  - f. Encourage Risk Management suggestions, continuously demonstrate concern over the entire program.
  - g. As normal routine, observe and analyze working conditions and methods to prevent possible safety hazards from developing.
  - h. Investigate thoroughly the causes of all minor accidents and take corrective action if within your area of authority or pass on to a higher authority with recommendations.
  - i. Make very sure that all accidents are promptly reported, regardless of the extent of injury or damage to equipment and/or property.
  - j. Remind employees to review their Employee Guide regarding disciplinary policy for violation of safety rules and insure impartial positive enforcement.
  - k. Attend department accident review board meetings when the accident to be reviewed happened in your department.
  - l. Insure Risk Management Program Director (RMPD) is either directly involved in accident investigations or receives copies of all information.
  - m. Notify RMPD of any inspections to be conducted by outside sources concerning safety equipment or general safety, in as far in advance as possible.
2. A Risk Management Program will never be successful without the full commitment of the supervisor directly responsible for the job and the employees working in the performance of that job. Only by dedication and positive leadership application can the Risk Management Program become measurably successful.

#### C. THE RISK MANAGEMENT PROGRAM DIRECTOR "RMPD"

- 1. The Program Director of MSPA will be the safety officer and will act as a direct line of authority from the Executive Director in the Risk Management Program.
- 2. The RMPD will provide the Department Directors the necessary policies, procedures and materials needed for success of the program and will periodically evaluate the program activities.
- 3. The RMPD responsibilities will include:
  - a. Maintain accident records and identify accident trend by department and division.
  - b. Assist the department directors in the evaluation of their supervisors Risk Management performance, program implementation and results.
  - c. Insures that policy rules, procedures and training programs provide for successful Risk Management and are being followed.
  - d. Evaluates the effectiveness of Risk Management programs and procedures in reducing accidents.
  - e. Presents results of evaluations at management meetings.
  - f. Determines which accidents are to be reviewed at safety training sessions and presents them for review.
  - g. Becomes a member of the Serious Accident Investigation Board when accidents occur involving personnel injury and/or damage to equipment or property.
  - h. Accompany all visiting safety authorities during their inspections.

i. Submit quarterly to the Executive Director a summary of activity including training, accidents, trends and a short synopsis of next quarter's planned activities.

j. The RMPD will emphasize through verbal and written communication the importance of MSPA employees to act responsible while driving port vehicles. Defensive driving habits along with safe and sensible operation will result in drivers and passengers arriving safely.

#### **D. DEPARTMENTAL RISK MANAGEMENT REPRESENTATIVES: (DRMR)**

1. Departmental directors will appoint their own DRMR and work closely with them in developing their own specialized safety programs. The appointee can be anyone within the respective department the Director may wish to select. But whoever is selected must have the Director's full backing in safety matters.

2. The DRMR will also work closely with and under the guidance of the RMPD who will train them in safety inspection and certify their qualifications as safety inspectors for their departments. The RMPD will also train the DRMR in conducting safety meetings providing them with materials and support.

#### **3. DUTIES OF THE DRMR:**

a. The DRMR will conduct weekly safety inspections with or without the immediate supervisor. Any unsafe conditions uncovered as a result of the inspection will be corrected on the spot where possible.

b. Unsafe conditions requiring higher authority action will be written in recommendation form to the supervisor responsible.

c. Provided subsequent weekly inspections still find the conditions as reported not corrected, then a report must be sent to the department director with a copy to the RMPD

d. DRMR will conduct departmental safety meetings not less than each month, a log will be kept noting date, topic presented, names of all attendees and any special information of importance.

e. The DRMR will accompany the department director on their monthly inspections and will take notes as given by the director. DRMR will also fill out the inspection report forms for the director's signature.

f. The DRMR will take action as instructed by the director resulting from the inspection in correcting safety violations or unsafe conditions.

g. The RMPD will be copied on all infractions found during inspection, no matter who conducts the inspection.

h. The DRMR will attend any meetings, reviews or discussions when requested by their department director.

#### **III. DIVISION—ACCIDENT REPORTING AND INVESTIGATION PROCEDURE**

The following procedure will be followed in reporting all accidents on Port property involving Port personnel and/or equipment.

##### **A. ACCIDENT OF A MINOR NATURE**

1. Accident not requiring medical attention other than administering of first aid, (bandaids) or costing under \$ 200.00 in damages to equipment or property, will be written up and investigated by the supervisor in charge.

2. The supervisor will fill out the accident report in full and sign it, along with the signature of the accident victim in cases of minor injury. The injured employees signature will attest to agreeing with the facts surrounding the accident. Witnesses statements will be attached and one copy of the report will be handed to the director of the involved department, another copy will be

sent to the RMPD who will review the report, make file copies and hand carry the report to the Human Resources Officer where it will be reviewed and filed in the accident report file.

3. In accidents involving equipment or property the departmental director will take action when such accidents involve negligence, carelessness or more serious causes were the determining factors.

#### **B. ACCIDENTS OF A SERIOUS NATURE:**

1. Accidents resulting in injuries requiring emergency medical treatment or immediate visit to a physician's office or damage to equipment or property in excess of \$ 200.00, will be investigated by the immediate supervisor, the department director, and the RMPD. The accident report will be filled out in full with witnesses statements and hand carried to the Human Resources Officer for review and for forwarding to the Workmen's Compensation Insurance carrier. In cases of equipment or property damage, the investigative process will be followed by the Serious Accident Investigation Board. Results will be reported in the safe manner as that for serious injuries.

2. The accident victims can sign the report at a later date or can make a separate statement verbally which would be typed for their signature and witnessed.

3. The RMPD will write the report from results of the Serious Accident Investigation Board's findings, dissenting opinions will be included. The report along with the investigation transcript and findings will be submitted to the Human Resources Officer for review and forwarding to the Serious Accident Review Board which will be convened at the earliest opportunity within seven (7) working days from date receiving the report from the RMPD.

NOTE: Since conditions change quickly following accidents and other incidents, photographs of the scene, taken as soon after the event as possible, can be a valuable reference. Accurate measurements of various aspects of the area, conditions of equipment, materials involved, frequently serve a useful purpose in investigative procedures. Also, great visual aids in later training sessions.

#### **C. SERIOUS ACCIDENT INVESTIGATION AND REVIEW BOARDS**

1. The following personnel will be permanent members of the Serious Accident Investigation Board:

- a. The supervisor directly involved.
- b. Director of department involved.
- c. Risk Management Program Director.

2. The following personnel will be permanent members of the Serious Accident Review Board:

- a. Assistant Executive Director.
- b. Director of department involved.
- c. Human Resources Officer.
- d. Workmen's Compensation Insurance Claims Clerk.
- e. Risk Management Program Director will act as advisor only with no voting privilege unless a tie breaker vote is required.

3. The Serious Accident Review Board will review the accident report and the investigation board's report.

a. Vote will be taken on recommendations to be forwarded to the Executive Director for action. A majority vote is necessary to pass any recommendation.

#### **IV. FORMS TO BE USED IN THE RISK MANAGEMENT PROGRAM**

##### **A. ACCIDENT**

~~1. Mississippi State Workman's Compensation Commission, Employees first report of injury.  
a. Filled out by injured employee's supervisor in full immediately following the injury—copy sent to Workman's Compensation Clerk same day.~~

~~2. Report of Injury Medical Identification form~~

~~a. This form to be filled out by supervisor of injured employee. In case of emergency treatment being required, a telephone call to the Port Authority's physician will be made either by the supervisor in charge or the Human Resources Office depending on severity of injury. Bottom portion of the form will be mailed to attending physician by the HRO.~~

~~b. In case injured employee is carried to a hospital for immediate treatment, this form will be sent to the HRO for processing.~~

~~3. Where equipment and/or property is damaged, the standard Property Damage Report will be used.~~

~~B. Facilities Inspection forms—Office~~

~~C. Incident Report form~~

~~D. Investigation Board forms~~

~~1. Accident Analysis Factors—unsafe act—Personal factors~~

~~2. Accident Analysis Factors—basic causes~~

~~3. Accident Analysis Factors—unsafe conditions~~

### **~~SAFETY Standard Operating Procedures for Safety~~**

#### **~~I. GENERAL:~~**

##### **~~A. Purpose:~~**

~~The purpose of this instruction is to promulgate standard procedures relative to safety for personnel, equipment and operations of the Port of Gulf port.~~

##### **~~B. Scope:~~**

~~This instruction defines the organization, assigns responsibilities and establishes specific guidelines for the safety program.~~

##### **~~C. Responsibility:~~**

~~The responsibility for the safe operation of the Port of Gulfport rests with the heads of all departments. The Executive Director will maintain cognizance over the program, through direct interaction with the Safety Officer, and all Department Heads. It is the responsibility of all Mississippi State Port Authority employees to be totally familiar with this instruction and to ensure conscientious application of sound safety practice in all aspects of their performance.~~

#### **~~II. DISCUSSION:~~**

##### **~~A. Organization:~~**

~~1. The Executive Director is primarily responsible for the safety program. Functional responsibility is assigned to the Safety Officer. Operational responsibility is the responsibility of all Department Heads and port employees.~~

~~2. Periodic safety symposiums will be conducted to ensure the viability of the safety program. Symposium participants will include, but are not limited to the following:~~

~~Executive Director Safety Officer Director of Operations Director of Marketing Director of Finance/Personnel Dock Superintendent Mechanical Handling Superintendent Maintenance Manager Operations Manager Harbor Master~~

~~3. Safety Officer (Duties of the Safety Officer are but a e not limited to):~~

~~A. Serve as a consultant to superintendents, supervisors, crew leaders & all Port employees but report directly to the Executive Director.~~

~~B. Keep abreast of latest loss control developments.~~

~~C. Maintain liaison with outside safety agencies, training entities for equipment and personnel uses.~~

~~D. Supervise loss control activities for quality and timeliness.~~

~~E. Review accident reports, ensure proper disposition by the safety review board.~~

~~F. Furnish the Executive Director with a quarterly report on the status of the program.~~

~~G. Maintain all records as required by law and Port Policies.~~

**B. INSPECTIONS:**

~~1. Inspections are integral to an effective safety program. They provide a means for surveying and appraising unsafe conditions and work practices. Properly conducted, inspections will detect, analyze and correct unsafe methods before problems arise. To be effective, frequent unscheduled inspections should be conducted by all persons with assigned safety responsibilities.~~

~~2. INFORMAL—(Reports are required to the Safety Officer by the head of all departments regardless of how minor you may think a situation is; All major defects are reported directly to the Executive Director.)~~

~~—Work area, equipment, etc., in their work area shall be inspected daily, or, at each use by personnel working in that section. Vehicles shall be inspected prior to each trip by drivers.~~

~~3. FORMAL—(Reports required)~~

~~A general inspection of the premises, equipment, and vehicles shall be made by the managers and/or superintendents on a monthly basis.~~

~~The managers (Inspector) shall complete and sign the attached checklist report and the superintendent (Department Head) shall sign the report and forward a copy to the Safety Officer on a monthly basis.~~

~~The date of corrective action, and/or final disposition shall be shown in all cases.~~

~~Display Table~~

**C. SAFETY MEETINGS:**

~~1. Employee Meetings:~~

~~Supervisors (Managers) shall be responsible for safety meetings with their Crew Leader(s). The Crew Leader(s) shall be responsible for briefing their personnel on the topics discussed in the safety meeting on a weekly basis.~~

~~The meetings can be conducted by the supervisors (Managers), and the Safety Officer will attend any/all meetings as possible.~~

~~A record will be kept showing topics discussed, dates, names of persons attending the meeting, and a copy kept on file for the Safety Officer to view at will.~~

~~Record keeping will be done on the attached form.~~

~~Topics for discussion shall be relevant to the success of the program, and shall include analysis of all accidents. Crew Leaders will have input.~~

~~Results of these meetings will be included by the Safety Officer in his quarterly report to the Executive Director.~~

**D. ACCIDENT INVESTIGATION COMMITTEE:**

~~The Accident Investigation Committee will investigate ALL accidents of Port Authority employees. Committee members, procedure, and reporting are outlined below.~~

**COMMITTEE MEMBERS:**

~~1. Safety Officer Director of Finance/Personnel Dock Superintendent Mechanical Handling Superintendent Maintenance Manager Operations Manager~~

~~2. Procedure: When an accident is first reported, the Safety Officer, will thoroughly investigate the accident site and circumstances. He will then initiate a "Supervisor's Accident~~

Investigation" form and designate a time for the Accident Investigation Committee to meet. This must be held on the day of the accident or first work day the injured employee is available. If lost time is involved, and additional meeting will be scheduled for the first day he returns to work.

If the Accident Investigation Committee determines that the employee failed to properly use safety equipment or violated safes' rules, disciplinary action will be taken in accordance with the Personnel Guide. Violation of safety rules are a Group II Offence. A written reprimand will be issued and the employee may be suspended without pay not to exceed five (5) working days. Commission of two (2) Second Group Offenses in one year may result in dismissal.

3. The Safety Officer will initiate the First Report of Injury within 24 hours of the accident of first work day.

4. Reporting: The Safety Officer will compile a file of the following documents with a copy to the Executive Director within 24 hours of the accident or first work day.

### III. CONCLUSION

(1) First Report of Injury

(2) Supervisor's Accident Investigation

(3) Accident Investigation Committee's findings and recommendation

(4) Disciplinary form (If required)

1. All safe practices and operations currently in effect will remain, the Safety Officer must receive reports of all accidents or near accidents, regardless of how minor, in writing from the Department Heads.

2. Detailed procedures addressing specific policies and practices will be published or updated as required.





**MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT**

POST OFFICE BOX 40 / GULFPORT, MISSISSIPPI 39502

TELEPHONE (601) 865-4300 / FAX (601) 865-4307 / TELEX 785197 GULF PORT GUP

**SAFETY MEETING**

Date Scheduled \_\_\_\_\_ Time \_\_\_\_\_

Purpose \_\_\_\_\_

Location \_\_\_\_\_

SUPERVISOR	PILE DRIVING CREW	GENERAL MAINTENANCE CREW III	ROOF CREW	PIPE CREW
MECHANICAL HANDLING	TOOL ROOM	ELECTRICIAN	HM-1	JANITOR
	OPERATIONS CLERK	ENGINEERING AIDE	MECHANIC	SAFETY OFFICER

ITEMS DISCUSSED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**Section 201. Personal Protective Safety Items, Procedures & Miscellaneous Items.**

~~Safety Shoes/Safety Shoe Rubber Boots—Work Gloves—Safety Glasses/Goggles Face Shields, etc.:~~

~~Please See Attachment EMPLOYEE SAFETY ITEMS & MISCELLANEOUS LIST/RECORD~~

~~The following will be provided by the Port Authority for the personal protection of each MSPA Employee. Personal protective safety items will be recorded in the issue date column and initialed by individual. Each MSPA employee is solely responsible for each item which has been issued to him/her. Wearing of safety items are mandatory.~~

~~Note \* If you have any questions concerning which safety item(s) should be worn. PLEASE, do not hesitate ask your Crew Leader and/or Supervisor. before you use the equipment.~~

~~1. Safety Glasses/Goggles/Face Shields:~~

~~(A) Always required when there is a danger from airborne/flying objects/debris that could get in your eyes.~~

~~Goggles:~~

~~(B) Goggles are sufficient while operating the lawn mowers, etc.~~

~~Face Shields:~~

~~(C) Face Shield should be worn while using the weed eater, edger etc.~~

~~Welding Hoods:~~

~~(a) Required to protect employee's eyes from exposure to arc welding operations.~~

~~Cutting/Burning/Brazing:~~

~~(b) Shaded Goggles or Safety Glasses with proper lens for gas cutting, burning, & brazing to protect eyes from exposure.~~

~~2. Safety Shoes:~~

~~Always required at any time the employee is on the clock and Port working.~~

~~Safety Shoe Rubber Boots:~~

~~Required while working in standing water, washing docks/sheds or rainy weather.~~

~~3. Ear Plugs:~~

~~Required to be worn when noise level is above normal.~~

~~Example—As per compressor room at the Mechanical Handling section while in operation (running).~~

~~4. Gloves:~~

~~Leather~~

~~(A) Required to protect employee's hands from rough or sharp objects.~~

~~Cloth~~

~~(B) Required when handling ship's lines during mooring, un-mooring or shifting. (Leather may be worn if employee desires.)~~

~~Electrical (Rubber)~~

~~(C) Required to prevent employee's from electrocution from accidental contact with energized equipment. SHALL NOT be used as a primary protection. MUST be visually inspected prior to each use to verify integrity and current quarterly electrical continuity tests. The Electrician should be qualified to determine the integrity of the gloves.~~

~~Welders (Leather)~~

~~(D) Required to protect employees hands from rough, hard objects and welding sparks.~~

~~Rubber/Plastic~~

~~(E) Required for protection from chemicals that would otherwise penetrate regular gloves.~~

5. Coveralls/Uniforms: Required to protect employee's when assigned to tasks that would otherwise permanently ruin, soil, or stain personal clothing.

6. Back Support Belts: Required to help the employee's lift/pull/push in the proper position, to try to prevent back injuries. Safety Belts & Life Lines: Required to protect employee's from falling while working at elevated locations and awkward positions. Must be used only when ground support is present in case of fall.

7. Safety Cage/Platform: Required when working on elevated jobs or when working over the water.

8. Life Rings: Required to be readily available on the dock, while any task is being performed that could result in an employee falling into the water.

9. Work Vest: Required to be worn when any task is being performed that could result in an employee falling into the water.

Employee Safety Equipment and Miscellaneous Record:

Required for each employee. To be kept on file in the Tool Room.

Display Table

Supervisors responsibilities, but are not limited to below:

Employees responsibilities, but are not limited to below:

**SUPERVISOR:**

Training/Instructions Supervisors are responsible for proper training and instructing on the use of all items/equipment within the field of your crew(s).

Safety Items/Equipment Supervisors are responsible to make sure that safety items/rules are given/issued to their employees as needed.

Operations Procedures Manual and Operations Manuals for Items Equipment Please make available the manual(s) for any item/equipment to be viewed as needed by your employee's.

Communication Communication is imperative for a better and much safer environment for all Port employees.

Supervisors are responsible for their employees'

**EMPLOYEE:**

Training/Instructions/Rules All Port employees must adhere to and obey all safety rules and regulations set forth by the Port and their respective supervisors as well as the warning labels which are in place on the equipment. Read to understand exactly what the warning(s) are placed on the equipment for. Use the Operation Manual if you do not fully understand. Ask your Crew Leader and/or Supervisor. Employees are responsible to ensure they get the information needed to perform their task properly and safely.

Safety Items /Equipment Employees are responsible for all items and equipment issued or signed out to them on a daily basis.

Communication Communication is imperative for a better and much safer environment for all Port employees.

Employees are responsible to their Crew Leaders and Supervisor!

All Mississippi State Port Authority at Gulfport personnel are responsible for each other.

## **Section 202. Hard Hat Program:**

Hard hats/hard hat liners and chin straps will be provided by the Port Authority for the personal protection of each employee. Use of hard hats and hard hat liners are mandatory with no exceptions.

Hard Hats:

~~1. Required to protect employee's head from falling objects, while work is going on overhead or equipment & tools are overhead.~~

~~Hard Hat Liners:~~

~~2. Required and worn with hard hat at all times.~~

~~Chin Straps:~~

~~3. Optional. If the wind is blowing hard enough you can lose your hard hat in the water, or while line handling your hard hat can come off of your head while you are either catching a line for throwing one.~~

~~Note \* Please properly adjust your hard hat liners for proper fit.~~

~~Fit and adjustment are just as important as the hard hat itself.~~

### **Section 203. SAFETY/MEDICAL; First Aid and Burn Aid Medical Kits.**

#### **FIRST AID**

~~Arrangements for professional medical care in the event of injury have been made by management:~~

~~First aid manual for viewing can be obtained from your safety officer.~~

~~1. Trained personnel~~

~~2. Installation of approved first aid kits in buildings and all Port vehicles.~~

#### **FIRST AID IS NOT A SUBSTITUTE FOR PROFESSIONAL MEDICAL CARE**

~~First aid will be used under the following circumstances only:~~

~~1. In event of extreme emergency, where quick action is necessary prior to obtaining professional care. (Severe bleeding and loss of breathing are examples.)~~

~~2. In event of minor injury, and, the use of professional care is not felt necessary by the injured party.~~

~~First Aid Stations & Locations:~~

~~Locations:~~

~~All MSPA Port Vehicles:~~

~~In the Main Office, Building # 20.~~

~~In the Harbor Masters Office, CSCH Building # 19~~

~~In the Maintenance Shop, Building # 25.~~

~~In the Operations Office, Building # 24.~~

~~In the Mechanic Shop, Building # 33.~~

~~In the Mechanical Handling Department,~~

~~Also at the South End, Trailer.~~

#### **BURN AID STATIONS & LOCATIONS:**

~~Locations:~~

~~In roving vehicle Contract Security.~~

~~In Mechanical Handling South End (Trailer,.~~

~~Eye Wash Stations:~~

~~Locations:~~

~~In the Maintenance Shop, Building # 25.~~

~~In the Mechanic Shop, Building # 33.~~

~~In the Mechanical Handling Department, Compressor Building # 36.~~

~~Eye wash stations are for EMERGENCY USE ONLY.~~

~~All stations and locations for first aid, burn aid & eye wash should be checked on a weekly basis by the supervisors. Any informalities should, nr7ted on the "WEEKLY INSPECTION CHECKLIST".~~

~~AMBULANCE 911 POLICE 868-5959 FIRE 868-5953 EMERGENCY ONLY 911~~

**Section 204. First Aid and Medical.**

**FIRST AID**

~~Arrangements for professional medical care in the event of injury have been made by management, the use of care of this nature is recommended~~

~~A first aid program has also been established included:~~

- ~~1. Trained personnel~~
- ~~2. Installation of approved first aid kits~~

**FIRST AID IS NOT A SUBSTITUTE FOR PROFESSIONAL MEDICAL CARE**

~~First aid will be used under the following circumstances only:~~

- ~~1. In event of extreme emergency, where quick action is necessary prior to obtaining professional care. (Severe bleeding and loss of breathing are examples.)~~
- ~~2. In event of minor injury, and, the use of professional care is not felt necessary by the injured party.~~

~~Eye Wash Stations:~~

~~Locations:~~

~~In the Maintenance Shop, Building # 25.~~

~~In the Mechanic Shop, Building # 33.~~

~~In the Bulk Handling Office.~~

~~Eye wash stations are for emergency use only.~~

~~First Aid Stations:~~

~~Locations:~~

~~In the Maintenance Shop, Building # 25.~~

~~In the Operations Office, Building # 24.~~

~~In the Bulk Handling Office and available in the security patrol vehicle.~~

**Section 205 Part 301 Chapter 17: Use of Alcohol or Controlled, Substance(s).**

**Rule 17.1 Policy Statement.**

~~Purpose~~ This instruction promulgates standard Port policy and procedures concerning the use of alcoholic beverages and the use, transport, and/or sale of controlled substances on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 17.2 Scope.**

This instruction defines an alcoholic beverage as any substance/liquid containing alcohol, malted or brewed, which, when consumed may result in an altered sense of awareness.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 17.3 Definition.**

This instruction defines “controlled substance” as any substance which is under the

control of "controlled substance(s)" legislation and which, when consumed, may result in an altered sense of awareness, and which is not directed for use by competent medical authorities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 17.4 Application.**

This instruction applies to any person on, employed on, or conducting commerce on State Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 17.5 Responsibility of Enforcement.**

The ~~Chief~~ Captain of Security, employees of the Port's security department, M:S:P-A: officials, M:S:P-A: employees, and managers of commercial/firms operating on Port property are responsible to ensure compliance with the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 17.6 Authority.**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 102 and 220.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**DISCUSSION**

**Rule 17.7 Possession Strictly Prohibited.**

The possession and/or consumption of alcoholic beverages and illegal drugs (controlled substances) on Port property and within Port facilities is prohibited.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 17.8 Persons Denied Entry.**

Persons attempting entry onto the Port, obviously under the influence of alcohol or in an obvious altered state of awareness will be denied. Any resistance to this stipulation will result in an immediate call to Gulfport Police Department for assistance.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 17.9 Expulsion from Premises.**

Persons found within the confines of the Port Industrial Area (fenced areas of the East

and West Piers) either consuming or under the influence of alcohol or in an altered state of awareness will be expelled from these areas.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.10 Operating Machinery or Equipment Strictly Prohibited.**

Person found operating vehicles or machinery while obviously under the influence of alcohol or in an altered state of awareness will be reported to:

- A. foreman,
- B. employer, or
- C. ~~Port's Operations Manager/Dock Superintendent~~ Deputy Director of Operations immediately for corrective action/expulsion from the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.11 Recordkeeping of Violations.**

All violations will be recorded and forwarded to the Port Dock Superintendent for possible continuing action, on an irregularity report.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 17.12 Serious Infractions/Repeat Offenders.**

Serious infractions involving damage to property/endangerment of life, and repeat offenders will be reported by the ~~Dock Superintendent~~ Port Operations to the Port's Executive Offices for possible suspension/barring from Port facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Section 206. Worker's Compensation.**

~~The Mississippi State Port Authority is subject to the provisions of the Workers' Compensation Law of the State of Mississippi. According to same no compensation except medical benefits shall be allowed for the first (6) days of the disability. In case the injury results in disability of (14) fourteen days or more, the compensation shall be allowed from the date of disability. The following is the "in-house" policy for employees of the Mississippi State Port Authority at Gulfport:~~

~~At such time an employee of the Mississippi State Port Authority is injured, and does not require medical attention the following steps should be followed:~~

- ~~1. Injured employee notifies supervisor.~~
- ~~2. Employee reports to the Administration Office and completes MWCC Form # B-3 (First Report of Injury).~~

~~3. Employee returns to his work duties.~~

~~4. the workmen's compensation clerk in the administrative office files the proper forms with the workmen's compensation insurance carrier.~~

~~A such time an employee of the Mississippi State Port Authority is injured and requires medical attention the following steps should be followed:~~

~~1. Injured employee notifies supervisor.~~

~~2. The employee should be transported to the Port's approved physician for attention. Any prescribed medicines should be acquired from the Port's approved pharmacy.~~

~~3. After medical attention is received, employee should report to the Administrative Office and complete a MWCC Form # B-3 (First Report of Injury). Employee must submit a doctor's excuse to the Administrative Office for the time lost from work due to injury. Employee must also submit a receipt from the pharmacy for the prescribed medicines received~~

~~In cases of loss of work time, the employee shall have the choice receiving compensation via workmen's compensation or accrued leave In no case will an employee receive both. If an injured employee is unable to return to the Administrative Office to complete the necessary paperwork, the employee's supervisor will be responsible for completing the proper forms in the Administrative Office.~~

~~4. The workmen's compensation clerk in the administrative office files the proper forms with the workmen's compensation insurance carrier.~~

~~IN CASES OF SERIOUS INJURY, EMPLOYEE SHOULD BE TRANSPORTED IMMEDIATELY TO THE EMERGENCY ROOM FOR MEDICAL ATTENTION.~~

#### **~~Section 207. Safety Shoe Program.~~**

~~Safety Boots will be provided by the Port Authority for the personal protection of each employee. Use of safety boots is mandatory with no exceptions.~~

~~Boots: (Safety)~~

~~Required at any time the employee is on the clock working. The only exception will be when working in standing water, to include the washing of docks and sheds.~~

#### **~~Section 208. Electrical Tag Out Procedures.~~**

~~When servicing, repairing, or shutting down any electrical or mechanical equipment, lockouts will be used.~~

~~Each person working on a locked out unit will lock their lock on the lockout. Each lock will have a tag attached to it.~~

~~This tag will have the following information on it.~~

~~(1) NAME (Name of person putting lock on lockout)~~

~~(2) DATE (Date that lock is put on lockout)~~

~~(3) TIME (Time that lock is put on lockout)~~

~~(4) REASON FOR LOCKOUT (Inspection, repairs, etc.)~~

~~(5) DATE (Date that lock is removed from lockout)~~

~~(6) TIME (Time that lock is removed from lockout)~~

~~Lockout and/or locks with tag will be checked out and signed for from the tool room.~~

~~Lockout and/or locks with tag will be checked in to tool room.~~

~~Tool room person will (1) keep an accurate log of all check outs and check ins and (2) keep an accurate inventory of lockouts, locks and tags (3) notify Safety Officer of all check outs and check ins.~~

#### **~~Section 209. Safety Belts -- Safety Cages -- Life Rings -- Work Vests.~~**



The following will be provided by the Port Authority for the personal protection of each employee. Use of this personal protective equipment is on an as required basis.

1. Safety Belts & Life Lines: Required to protect employees from falling while working at elevated locations.

2. Safety Cages:

Required when working on elevated jobs or when working over the water.

3. Life Rings:

Required to be readily available, on the dock, while any task is being performed that could result in an employee falling into the water.

4. Work Vests: Required to be worn when any task is being performed that could result in an employee falling into the water.

## **Section 210. Propane Gas Cylinder Safety.**

### **I. GENERAL**

Because of the inherent hazards associated with large propane gas cylinders, special precautions must be taken and safe guards established. This Operating Instruction details various aspects of propane gas cylinder safety precautions as well as emergency actions to be taken in the event of a malfunction in safety apparatus/or propane gas leak.

### **II. APPLICABILITY:**

This instruction is applicable to all persons engaged in the fueling of or transferring of propane gas from a storage tank, all employees of the State Port Authority and employees of the State Port Contract Security Agency.

### **III. RESPONSIBILITY:**

A. Mississippi State Port Authority Supervisory Persons will ensure their employees are cognizant of and conform with the applicable portions of this OI.

B. State Port Lessees Employing the use of Propane Gas Storage tanks will ensure their employees are cognizant of and conform with applicable portions of this OI.

C. The Chief of Security, in concert with and through Security Watch Supervisors, will ensure periodic checks of all propane gas storage tanks are made during routine patrols of the Port, and that reporting/alerting procedures are strictly conformed with in the event of a problem, actual or suspected, with these tanks.

### **IV. DISCUSSION:**

There are three large capacity propane gas storage tanks falling under the scope of this OI, i.e. MSPA Tank located immediately South East of the MSPA Operations Building, the Ryan-Walsh Tank located immediately South and adjacent to the Ryan-Walsh maintenance facility, and the Chiquita Brands Inc. Tank located South-West of the Chiquita Brands Entry/Exit North Gate. Each tank has safety devices built into their overall design; however, the MSPA and Ryan-Walsh Tanks have an additional safety device in the form of a visual alarm lamp which indicates a POWER ON condition.

A. Persons responsible for, as well as persons using these gas storage tanks are to visually inspect the tank, hoses, and couplings prior to and during use to identify and have repaired any actual or potential conditions which may result in the leakage of gas.

(NOTE: Should a gas leak be detected during the operations of these devices, all operations will be discontinued until the source of the leak has been repaired.)

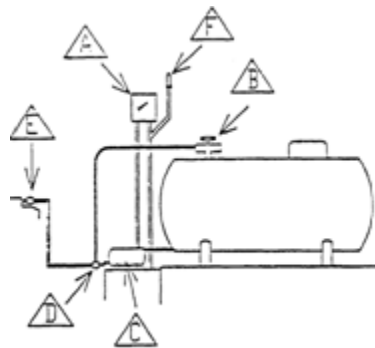
B. Any mspa Employee detecting an actual or suspected discrepancy in the MSPA System which may result in the expulsian of propane gas into the atmosphere will report the discrepancy

to a supervisory employee immediately (during normal business hours) or the Security Watch Supervisor (during normal non-business hours).

(NOTE: Transfer of gas from the storage tank to a vehicle or machine will be suspended until a MSPA supervisor declares the tank safe.)

~~C. Ryan-Walsh Storage Tank.~~

~~1. The Ryan-Walsh Storage Tank has a series of safety devices built into its basic design (See illustration 1. Below).~~



~~ILLUSTRATION 1. Ryan-Walsh Tank~~

~~Display Image~~

~~These safety devices include a tank cut-off valve (B), a hose nozzle cut-off valve (E), and an external power ON visual alarm (F) under normal (static) conditions, power to the tanks motor (C) will be OFF; however, when the tank is being used to refuel a machine or vehicle power will be applied to operate the tanks pump (D). Whenever power is ON, the RED Visual Alarm Lamp will be illuminated. If the tanks visual alarm is found illuminated and the tank is not being used at the time, power is being applied and a hazardous condition is possible:~~

~~a. During Normal Business Hours. Report the condition to a supervisory member of the Ryan-Walsh Staff and stand-by until the discrepancy is cleared.~~

~~b. During Normal Non-Business Hours. (Non-Security Persons) report the discrepancy to the Security Desk as soon as possible. If a gas leak is evident, include this in your notification. (Security Supervisors ONLY) Isolate power from the tanks motor by placing the electrical switch (A) in the OFF position, check the system for possible leaks, and notify a supervisory staff member of Ryan-Walsh immediately. Incidents of this nature will be documented as a Irregularity Report and submitted to MSPA Officials the next business day.~~

~~2. Any indication of a gas leak will be immediately reported to the Port Security Desk ((601) 865-4323) and to supervisory staff persons of Ryan-Walsh regardless of time.~~

~~a. Port Security RTO will alert MSPA Officials to the suspected gas leak and initiate an emergency call to Gulfport Fire Department. During non-business hours, the RTO will also notify a supervisory member of the Ryan-Walsh Staff as well as the Security Watch Supervisor on duty. The RTO will maintain a detailed log of times and events taken, to aid the security supervisor in documenting the incident as an Irregularity Report. This log will include, as a minimum time incident was reported, times/names or persons alerted, times emergency teams arrived on the Port, and time the incident was declared safe.~~

~~b. MSPA Storage Tank.~~

~~3. The MSPA Storage tank has a series of safety devices designed into it (see illustration 2—below). These devices include a gas cut-off valve (A), and an external POWER ON visual alarm~~

(B). Under normal (static) situations, power will be shut OFF and the RED visual alarm lamp will be dark. Whenever the tank is being used to transfer propane gas, power will be ON and the RED visual lamp will be illuminated. If the RED lamp is illuminated and the tank not in use, a potential hazardous condition may be present and must be reported immediately.

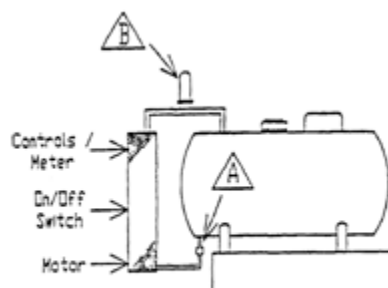


ILLUSTRATION 2. MSPA Tank

#### - Display Image

a. During Normal Business Hours. Report the condition to a MSPA supervisory person and stand by until the discrepancy is corrected.

b. During Normal Business Hours. (Non-security persons)

Report the condition to the Security Desk immediately ((601) 865-4323). If a gas leak was evident, ensure this is mentioned during your report. (Security Persons) Upon notification of an unsafe condition, the RTO will immediately notify the Security Watch Supervisor on Duty who will respond and visually inspect the tank for possible leakage, and the MSPA Maintenance Manager who will respond and restore the tank to safe operation. All such situations will be documented as an Irregularity Report by the Watch Supervisor and submitted to MSPA Officials the next business day.

4. Any indication of a gas leak in this system will be immediately reported to the Security Desk ((601) 865-4323). The RTO will alert the Security Supervisor on Duty, MSPA Staff Members, and the Gulfport Fire Department. The RTO will also document the incident as a memo for the Security Supervisor on Duty. This memo will include as a minimum, times/persons advised, time persons/emergency team arrived on the Port, and time incident was declared safe. The security watch supervisor will use these notes in drafting an irregularity report documenting the incident.

a. Chiquita Brands Storage Tank.

5. The Chiquita Brands Storage Tank has series of safety device built in to its basic design, including an emergency gas cut-off valve. (See Illustration 3 — below).

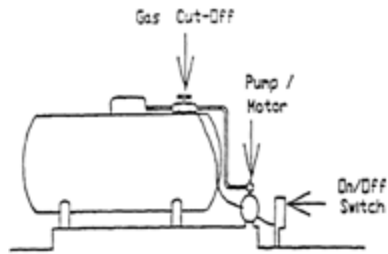


ILLUSTRATION 3. Chiquita Brands Tank

#### ~~Display Image~~

Unlike the systems at Ryan Walsh and MSPA Operations, the chiquita tank has no visual alarm to aid in detecting an accidental POWER ON situation. Should an unattended POWER ON condition be detected, initiate the following action(s):

- a. During Normal Business Hours Report the condition to a Chiquita Brands Supervisory Person and stand-by until the discrepancy is corrected.
- b. During Normal Non-Business Hours. (Non-Security Persons) Report the discrepancy to the Chiquita Brands Gate Guard who will alert the Security Watch Supervisor and a staff member of Chiquita Brands. The Security Supervisor will respond and visually inspect the tank for possible leakage and stand-by until a Chiquita employee responds and tenders the tank safe.
- 6. Any indication of a propane gas leak in/on the system will be reported immediately to the Chiquita Gate Guard who will alert the West Gate RTO and Chiquita Brands Staff Members
  - a. During Normal Business Hours. The W/G RTO will immediately notify the security supervisor on duty who will respond and MSPA Staff Members. The RTO will also act as focal point for notifying additional emergency teams and for recording significant events concerning the incident.
  - b. During Normal Non-Business Hours. The W/G RTO will notify the Watch Supervisor who will respond to the incident, the Gulfport Fire Department, and an MSPA Staff Member. The RTO will also act as focal point of notifications and recording significant events of the incident.
  - c. All incidents involving gas leakage, regardless to severity, will be documented, by the Watch Supervisor, as an Irregularity Report and submitted to MSPA Officials the next business day.

#### ~~V. SPECIAL CONSIDERATIONS~~

Because propane gas is highly volatile and has the property of seeking out low areas in its free flowing state, all incidents of gas leakage, actual or suspected, must be treated as a hazardous situation and special precautions taken. First response is critical in these situations. Vehicle and personnel traffic must be directed away from the site. Wind direction must be determined and reported to emergency response teams as they arrive, and preparations made for the possible evacuation of employees. The first person on-site should also attempt to determine if conditions permitted the gas to flow in a low-laying location where it presents an additional hazard. The MSPA on-site representative automatically assumes control of the situation until qualified emergency teams arrive. During non-business hours, the Security Watch Supervisor on duty fulfilled this role until a MSPA Supervisor arrives.

- 1. The area will be screened off to preclude access of disinterested, non-emergency persons.
- 2. Traffic will be restricted from entering the effected area.

- ~~3. Wind direction will be continually monitored, especially in cases of large amounts of gas escaping.~~
- ~~4. Emergency response teams will be alerted to the possibility of gas flowing into low lying areas.~~
- ~~5. Assistance should be requested from Gulfport Police when and if an evacuation is ordered by emergency response teams.~~
- ~~6. The MSPA Representative will evaluate the situation and notify additional, senior staff members as conditions warrant.~~

**Section 300. Part 301 Chapter 18. Port Security - Job Description(s) and Duties (Generalized).**

**GENERAL:**

**Rule 18.1 A. Purpose.:**

This instruction is to establish general job descriptions and requirements for the Security Department; at the Mississippi State Port Authority at Gulf Port Gulfport, MS.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 18.2-B. Scope.:**

This instruction defines generalized position descriptions, job requirements, and the scopes of responsibility for specific positions within the Security Department, also referred to within this and other instructions as Port Security, to promulgate an efficient, effective department in support of Port security and operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 18.3 C. Application.:**

This instruction is applicable to contract agencies, both present and ~~proposed~~ future, providing contract security advisement and service to the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 18.4 D. Responsibility.:**

Contracting security agencies are responsible to be familiar and comply with the contents of this instruction. Personal equipment and supplies, unless otherwise specified in this instruction or as covered in contractual agreement, provided to Security Department employees, as well as care and maintenance of said equipment/supplies rests solely with the contracting Agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 18.5 E. Authority:**

Specific procedures and authority to discharge these procedures are contained in this Operations and Procedures Manual.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**DISCUSSION:**

**Rule 18.6 A. Organizational Structure of the Contract Security Department.**

Security Department is organized under a headquarters section staffed by the ~~Chief~~ Captain of Security and ~~Security Watch supervisors~~ Sergeant of Security, and a guard section staffed to cover three permanent entry/exit Gate Guard posts and ~~one two Security Vehicle Screeners~~ seasonal patrol post, i.e. West Gate East Gate, United Brands Gate (permanent posts), and the Commercial Small Craft Harbor patrol (seasonal). General job descriptions and requirements for these positions, as well as the Radio-Telephone Operator are as follows:

A. Job Title: ~~Chief~~ Captain of Security

1. ~~Chief~~ Captain of Security – Position Description:

- (a) Manages a guard force of an average of twenty one (21) security officers in the day-to-day activities of providing physical security and radio operations/dispatcher services to the Mississippi State Port Authority at Gulfport. Responds to security irregularities/incidents. Investigates circumstances surrounding irregularities. Prepares concise irregularity/incident reports for State Port Authority. Conducts continual evaluations of State Port physical security programs and submits security program recommendations to State Port Authority on an as needed basis. Actively supports State Port officials in the safe berthing/sailing of marine vessels. Actively supports State Port officials in the smooth operation of Port activities. Provides short notice security guard capabilities to the State Port on an as needed basis.
- (b) Schedules security officers for duty and assigns security officers to guard posts. Resolves personnel matters of security guards as related to duty performance and job assignments. Manages payroll of assigned security persons (contract security only).
- (c) Acts as senior radio operator/dispatcher for the State Port. Continually evaluates assigned radio

operators/dispatchers for compliance with State Port and FCC radio operation requirements. Certifies newly assigned radio operators/dispatchers.

- (d) Maintains mutually supporting, cooperative relationship with local law enforcement agencies such as U.S. Department of Immigration/Naturalization Agents, U.S. Customs Department Agents, U.S. Border Patrol Agents, and local drug enforcement agencies as well as the U. S. Coast Guard - Gulfport Station. Homeland Security, which includes USCG Sector Mobile, Customs Border Protection (CBP), Transportation Security Administration (TSA) and local drug enforcement agencies as well as the U. S. Coast Guard - Gulfport Station.
- (e) Actively resolves physical security problems to the greatest extent possible or refers unresolved problems to State Port Authority for justification.
- (f) Develops, schedules, and conducts training of assigned security off-cars/supervisors on an as needed basis, to include: State Port physical layout, State Port Physical Security Programs, specialized security officer training, first-aid and Cardiopulmonary Resuscitation (CPR), as well as water oriented lifesaving procedures. Develops training programs oriented to safe handling of hazardous cargo as applicable to physical security officers on an as needed basis. Develops, schedules and conducts traffic control training of assigned security officers, on an as needed basis.
- (g) Maintains a mutually supportive, cooperative relationship with commercial agencies operating on the Port.
- (h) Provides a source of primary physical security assessment/evaluation to the State Port Authority, and other agencies actively engaged in commerce on the Port.
- (i) Provides constant physical security coverage to the State Port during nonbusiness/holiday hours.
- (j) Performs other physical security duties at the direction of the State Port Authority.

2. Captain of Security – Job Requirements:

- (a) Applicant must possess a minimum of one (1) year practical experience as a security manager/supervisor. Previous experiences as an executive level manager may be substituted for the requirement upon approval of State Port Authority.
- (b) Applicant must possess a working knowledge of Port and maritime operations. Applicant must possess working knowledge of Limited Coast Radio Station operations, to include practical knowledge of FCC regulations and limitations.
- (c) Applicant must possess a minimum of three (3) years personnel management experience. Applicant must demonstrate ability to schedule employees for duty and to react to short notice requirements for additional security officers. Prior experience in administration of employee payroll programs is desirable.
- (d) Applicant must possess normal color vision and normal hearing. Applicant may not possess any physical incapacities which may adversely affect ~~effect~~ normal duty requirements. Applicant may be required to produce evidence of a physical examination/evaluation at the request of State Port Authority (contract security only).
- (e) Applicant must possess a current Mississippi Operator's Permit and not have pending or current conviction(s) on driver's records which are drug or alcohol related, or, which reflect an unsafe driving attitude. Prior training of experience in operating emergency response vehicles is desirable. Successful completion of an accredited defensive driving course may be substituted for this requirement.
- (f) Applicant may not possess a felony-oriented criminal record, pending or previous.
- (g) Applicant must possess the capability to conduct training needs assessments, determine job requirements, develop physical security and traffic control on-the-job training programs, and conduct on-the-job training for



newly assigned security persons. Applicant must possess practical experience in administrative management.

- (h) Applicant must have a minimum of a high school education.

3. Captain of Security - Related Job Requirements:

- (a) Successful completion of an accredited management school is desirable; however, three (3) years of upper level management experience may be substituted for this requirement.
- (b) Applicant must be prepared to provide certification of ability to perform all assigned duties under minimum direct supervision. The acceptability of this certification rests solely with executive managers of the State Port Authority.
- (c) Applicant must possess a minimum of one (1) year developing and conducting on-the-job training programs. Acceptability of this experience rests solely with executive managers of the State Port Authority.
- (d) Applicant must possess a minimum of one (1) year practical experience in the development and administration of physical security training programs.

B. **Job Title: ~~Watch Supervisor - Mississippi State Port~~ Sergeant of Security**

1. Position Description: - Sergeant of Security

Supervises a contract guard force of approximately five (5) security officers providing physical security as well as radio-telephone communications service to the Mississippi State Port Authority at Gulfport. Responds to security irregularities/incidents, vehicle accidents, and disturbances. Prepares CONCISE irregularities/incident reports. Identifies potential physical security shortfalls to the Chief of Security. Assists in and acquires berthing applications on an "as needed" basis. Ensures smooth operations thru effective traffic control and marshalling of vehicles on an "as needed" basis. Acts as senior radio operator during assigned watch. Ensures strict compliance with FCC guidelines concerning operation of a limited maritime

radio-telephone station. Ensures compliance with Port directives concerning "call out" of Port employees during non-business hours. Ensures compliance with Port directives concerning proper maintenance and documentation of radio log(s). Ensures proper accountability and issue/receipt procedures for Port keys. Performs other activities at the direction of the ~~Chief~~ Captain of Security in support of Port activities.

2. Job Requirements: - Sergeant of Security

Potential Watch Supervisor(s) must possess a minimum of one (1) year, port oriented physical security officer experience, must be capable of direct supervision and scheduling personnel, must possess working knowledge of Port and maritime operations as well as working knowledge of a limited coast radio station operations, to include practical knowledge of FCC coast radio station regulations and limitations. Successful applicant must possess normal color vision and normal hearing. Job incumbent may not have physical malady(s) which may adversely impact the discharge of normal duties and job oriented requirements. Incumbent must possess a current Mississippi Operator's Permit. Incumbent may not have not have drug/alcohol related convictions. Incumbent must possess the minimum of a high school education.

3. Related Job Requirement(s)- Sergeant of Security

Potential ~~Watch Supervisors~~ Security officers may be required to undergo a ~~limited~~ medical (Physical) examination, at the expense of the contractor, and provide results of said examination to M-S-P-A- upon request.

C. **Job Title: Radio-Telephone (Communications) Officer**

1. Position Description: - Radio-Telephone Officer

Maintain constant watch over M-S-P-A- radio emergency (hail & distress) radio Channel 16 and State Port Channel 10. Responds to ships calling the Port on Channel 16. Coordinates with concerned State Port Agencies on ship's requirements. Relays messages and information to marine vessels, coordinates ship movement requirements, i.e linehandlers, tug boats assistance identifying assigned berths, etc, and relays information to incoming marine vessels. Coordinates "in port" vessel needs/requirements with concerned State Port and ancillary marine support agencies. Maintains radio operations log(s). Maintains Daily Ship Report

log. Dispatches M:S:P:A- linehandlers in support of ship's movements during non-business hours. Maintains watch over Port fire alarm system, security cameras and ~~dispatches response teams to alarm locations~~ notifies Port Operations or the Captain of Security for response guidance. Receives documents, and distributes Gulfport Pilot tickets and Gulfport Towing tickets to concerned M:S:P:A- and other commercial agencies. Maintains watch over Port freezer alarm system and dispatches response team(s) to alarm location(s). Provides marine radio support services to Gulfport Pilot Association and ship's agents on an as needed basis. Provides Port Security radio desk/dispatcher services. Maintains constant watch over Port Security radio Channel 3. Dispatches security response member. Coordinates immediate response actions with Port Security Watch Supervisor and local law enforcement agencies

2. Jot Requirements: - Radio-Telephone Officer

- (a) Successful radio operator/dispatcher must possess a minimum of a high school education and write legible. Persons fulfilling this position must speak clearly/distinctively without speech impediment. Applicant must possess normal color vision. Applicant must also possess a working knowledge of marine radio operations, to include marine jargon/terminology as well as a working knowledge of FCC regulations concerning operation of a limited coast radio station. Applicant must possess working knowledge of Port and marine ship movement requirements.
- (b) Successful applicant must possess good communicative skills and be able to retain/relay complex information between a variety of Port and ancillary support agencies.

3. Related Job Requirements: - Radio-Telephone Officer

- (a) ~~1-~~ Applicant must be able to perform all assigned duties under periods of stress with minimum supervision.
- (b) ~~2-~~ Prior experience as a radio-telephone operator may be substituted for knowledge of Port requirements.
- (c) ~~3-~~ Applicant must successfully complete a minimum of fourteen (14) days of on the job training and be certified by the M:S:P:A- Chief Contract Captain of Security

prior to being assigned full time duties in this position.

4. Education/Training Requirements: - Radio-Telephone Officer

FCC Radio Operator's Certificate is desirable, however, not mandatory.

5. Supervision: - Radio-Telephone Officer

Persons fulfilling this position receive direct supervision from the ~~Chief~~ Captain of Security and indirect supervision from ~~Security Watch Supervisors~~ Sergeant of Security during nonbusiness hours.

D. **Job Title: Security Officer**

1. Position Description: - Security Officer

(a) This position consists of three (3) permanent guard posts (West Gate, East Gate and North Gate ~~United Brands Terminal Gate~~) and one seasonal guard patrol at the ~~Commercial Small Craft Harbor (C.S.C.H.)~~ located at the Mississippi State Port Authority, Gulfport, Mississippi.

(b) ~~a.~~ **West Guard Gate:** Provides physical security and entry/exit control over the West Pier, M:S:P:A. Directs inbound traffic to vendors, visitors and commercial traffic to concerned agencies on the West Pier. Obtains dock releases/receipts from outbound traffic for deliveries to M:S:P:A. officials. Conducts vehicle inspections(s) of outbound traffic to preclude unauthorized removal (pilferage) of cargo, equipment, and supplies. Detains person(s) suspect of unauthorized removal (pilferage) from exiting West Pier unit proper authorities have cleared the person/vehicle or directed assistance from Gulfport Police Department. Assists the Chief of Security in traffic control on West Pier as needed. Performs other security oriented functions at the discretion of the Chief of Security in concert with M:S:P:A.

(c) ~~b.~~ **East Gate Guard:** Provides physical security and entry/exit control over the East Pier, of the M:S:P:A. Directs inbound traffic to facilities on the East Pier. Detains person(s) suspect of unauthorized removal

(pilferage) from exiting East Pier until proper authorities have cleared the person/vehicle or directed assistance from Gulfport Police Department. Performs traffic control duties at the direction of Chief of Security. Performs other security oriented functions at the discretion of Chief Captain of Security in concert with M:S:P:A- officials.

(d) ~~e. **United Brands Guard:** Provides physical security and entry/exit control over the United Brands Fruit Company Terminal, West Pier, Gulfport, Mississippi during nonbusiness hours. Conducts hourly, physical check of office and maintenance buildings as well as periodic walking patrol on an unscheduled basis within the truck compound. Issues/retrieves terminal receipts to/from inbound/outbound traffic during nonbusiness hours. Challenges and logs in/out visitors of the terminal during nonbusiness hours. Assists the Chief of Security in traffic control on an "as needed" basis to facilitate safe, efficient flow of United Brand vehicles during United Brands cargo movement operations. Performs other security functions within the United Brands terminal at the direction of the Chief of Security working in concert with United Brands and M.S.P.A. officials.~~

(e) ~~d. **Commercial Small Craft Harbor:** Provides patrol oriented physical security and fire watch over vessels and commercial facilities within the Commercial Small Craft Harbor, Fisherman's Walk, West Pier, and those located on the west side of 30th. Avenue, West Pier Gulfport, Mississippi, during nonbusiness hours of M.S.P.A. and when C.S.C.H. Harbor Master is not on duty. Surreys Surveys patrol area for evidence of activities considered inconsistent with pollution control and prevention guidelines and reports same to Chief of Security on irregularities report. Enforces M.S.P.A. directives concerning conduct/activities in the C.S.C.H. Assists the C.S.C.H. Harbor Master in physical security and "peace keeping" oriented activities at the direction of the Chief of Security. Performs other security oriented functions at the direction of the Chief of Security working in concert with and approval of M.S.P.A. officials. This is a seasonal position initiated by M.S.P.A. officials in concert with prevailing contractual agreement(s). This is an unarmed,~~

~~walking/vein patrol, consisting of one (1) guard per watch period.~~

2. Job Requirement(s): - Security Officer

- (a) ~~a. West Gate, East Gate, United Brands North Gate:~~ Persons performing these duties must be a minimum of twenty one (21) years of age and must not possess a record of criminal (felony) convictions active or pending. Persons performing these duties must possess a high school, or equivalent, education. Although these are unarmed positions, the ability to possess a "weapons card" is considered highly desirable. Persons performing, or being considered for these positions may be required to undergo a medical (physical) examination, at the expense of the contracting agency, to ensure the absence of malady which may be restrictive to the performance of assigned duties, the results of which may be requested by M.S.P.A. officials.
- (b) ~~b. Commercial Small Craft Harbor:~~ ~~Aside from the requirements as specified in a. above, persons fulfilling this position must be capable of prolonged standing and walking.~~

3. Other Job requirement(s): - Security Officer

- (a) Persons filling these positions must demonstrate the ability to deal with the general public and to "neutralize" potentially disruptive occurrences without the use of force. Persons filling these positions will be placed on probationary employment at the State Port until they successfully complete a period of training/orientation on State Port facilities and requirements, to include CPR and first aid (buddy care) training, as well as traffic control/direction procedures.
- (b) Screening/Search Security Officers are required to screen vehicles as mandated by the MSPA Facility Security Plan. Screening/Searching can be defined as searching through vehicles prior to access to the Port's Restricted/Secure areas. The officers are searching for weapons, incendiary devices, illegal drugs, etc. Persons performing these duties must be a minimum of 21 years of age and must not possess a criminal (felony) record, whether or not active or pending. Persons

performing these duties must possess a high school education or an equivalent thereof. Although these are unarmed positions, the ability to possess a weapon card is considered highly desirable. Persons performing, or being considered for these positions may be required to undergo a medical and/or physical examination, at the expense of the contracting agency, to ensure the absence of condition which may be restrictive to the performance of assigned duties, the results of these examinations may be requested by MSPA officials.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Section 301. Part 301 Chapter 19: Visitor Control.**

**I. GENERAL**

**Rule 19.1 A. Purpose.**

4. Only authorized persons engaged in port and related vessel activities are permitted within the fenced areas of the Port. Loitering, fishing, is strictly prohibited. Trespassers are subject to immediate expulsion from these areas and persons resisting expulsion ~~a-e~~ are subject to arrest by local law enforcement agencies ~~as outlined in Instruction \_\_\_\_\_, of this manual.~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 19.2 Procedures – Generally.**

This instruction establishes standard procedures for the Port Security Department in control and identification of visitors entering the fenced area of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 19.3 B. Scope.**

This instruction defines areas of responsibility and outlines procedures to be followed to ensure the control of visitors to the State Port of Gulfport, Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 19.4 Application.:**

This instruction is applicable to all commercial and M.S.P.A. agencies operating or performing port oriented operations within the fenced areas of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.5 Responsibilities.**

1- The ~~Chief~~ Captain of Security is responsible to ensure total compliance with the provision of this instruction.

- (a) ~~2. M.S.P.A. as well as other commercial firms operating or otherwise performing port oriented operations within the fenced areas of the Port Authority;~~
- (b) ~~Schedule of Charges, Rules, and Regulations for Terminal Services, Items 106, 154 and 187~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

H- ~~DISCUSSION:~~

### **Rule 19.6 Pilferage Prevention.**

~~A-~~ Because of the inherent security problems and potential pilferage of cargo associated with Port operations and maritime port activities, the identification and control of visitors entering the fenced areas of the Port is essential.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.7 1- Port of Gulfport Access Limited.**

The Port ~~Chief~~ Contract Captain of Security and all members of the Port Security Department staffing the ~~West Gate~~ Port of Gulfport entry/exit accesses will limit access to ~~the West Pier to only~~ those persons having a legitimate, official need to enter the Port. All persons requesting entrance onto the Port of Gulfport shall be required to possess a Transportation Worker Identification Credential (TWIC).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 19.8 Certain Vehicles Exempt.**

~~NOTE:~~ Vehicles displaying the M-S-P-A- decal on their windshields are acknowledged to having official business on the Premises ~~and are exempt from being challenged by Port Security Guards but are still required to possess a TWIC card and are subject to searched upon entry. Vehicles readily identifiable as being local or federal law enforcement agencies, local fire department, municipal government, etc., are exempted from visitor control procedures contained in this instruction.)~~ Law enforcement officials at the State and Local levels are not required to possess a TWIC card to gain unescorted access to Restricted/Secure areas at the Port of Gulfport.

First Responders at the State or Local levels are not required to possess a TWIC in order to gain unescorted access to Restricted/Secure areas during an emergency situation. They may, however, voluntarily obtain a TWIC where their offices fall within or where they desire frequent unescorted access to a restricted/secure area of a vessel, facility in a non-emergency



situation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21 and 33 CFR 101.514

#### **Rule 19.9 Limited Access of Visitors.**

2. Casual visitors, i.e. sightseers, tourists, etc., are strictly prohibited from unescorted entry into the Port's ~~industrial~~ Restricted/Secure area(s).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.10 Access of Media and Press.**

3. Members of the news media must obtain permission from and be cleared by M.S.P.A. officials prior to being granted access to the Port. If properly granted access, media and press personnel must be escorted at all times while on Port Property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.11 Visitors of Vessels.**

~~4.~~ All persons desiring entrance to the Port for the purpose of visiting a vessel (except those identified under Rule 8 ~~as excluded in paragraph H. B. NOTE~~ above) must produce proof of authorization to board the vessel, produce proof of identity, TWIC card and "sign-in" in the Visitors Control Log maintained at the West Gate. Proof of authorization to board the vessel is a letter/pass signed by a member of the ship's officer component or by the ship's agent/stevedore responsible for the vessel's cargo movement. Said proof of authorization will be surrendered to the gate guard and forwarded to Port Operations the next business day.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 19.12 ~~5.~~ Visitors to Longshoremen.**

Visitors to longshoremen (non-emergency) will be required to wait outside the fenced area. The security roving patrol will contact the dock foreman and advise the longshoreman of the visitor. ~~In the event of an (Emergency), the Security Supervisor on duty will escort the visitor to the area the longshoreman is in and place the visitor in contact with the dock foreman.~~

Visitors to longshoremen to make deliveries, i.e. food, clothing, etc.:

- A. ~~(a)~~ During business hours/cargo movement being accomplished the visitor will be required to wait outside the fenced area and the Security Supervisor will advise the dock foreman of the visitor's presence at the gate.
- B. ~~(b)~~ ~~During meal break(s), the visitor will be allowed to proceed onto the Port to make the delivery, however, will be instructed to~~

~~exit the Port as soon as possible after making the delivery.~~ Unless exempted under Rule 8 in paragraph II. B. 1. (NOTE) above, no one will be allowed access to the Port for the purpose of serving legal writs, summons, etc. Persons desiring contact with an individual on the Port for-said purpose(s) are required to wait outside the fenced area. The Security Supervisor will notify persons subject to such action(s) they have a visitor, however, will not identify the visitor or the purpose.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Section 302. Part 301 Chapter 20. Traffic Control (Vehicles).**  
**GENERAL**

**Rule 20.1 A. Purpose.**

This instruction promulgates standard speed limits on the State Port at Gulfport Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 20.2 B. Scope.**

This instruction establishes safe speed zones and limits on the Port and provides authority to the Port Security Department to enforce speed limits on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 20.3 C. Application.** This instruction is applicable to all agencies, commercial and State Port Authority, as well as all persons visiting or conducting business on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 20.4 D. Responsibility.**

- A. ~~1.~~ All M:S:P:A: officials and employees witnessing violations of the contents of this instruction are responsible to report said incidents to the Port Security Department.
- B. ~~2.~~ The ~~Chief~~ Captain of Security/Facility Security Officer, working in concert with security department employees, is responsible to ensure compliance with the Provisions of this instruction.
- C. ~~3.~~ The Dock Superintendent is responsible for the review of reports generated as the result of this instruction and to forward appropriate (repeat offender) reports to the Deputy Director of Operations/Facility Security

Officer for possible further action.

- D. 4. The Port Executive Director is the final ~~arbitor~~ arbiter of this instruction and reviews reports (repeat offenders) for possible administrative action(s).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 20.5 E. Authority.** Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items ~~154~~ 190, 198, 212, and 214.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21  
**DISCUSSION**

**Rule 20.6 Speed Limits Strictly Enforced.**

~~A.~~ Because the inherent safety factors of operating a Port Industrial cargo movement facility, and to afford the best possible safe working environment on the Port the speed at which vehicles travel on the Port must be strictly controlled. Therefore, the State Port Authority has established the following speed limits:

- A. ~~1.~~ Routine traffic throughways: 20 MPH, unless otherwise posted.
- B. ~~2.~~ Docks, warehouse aprons, and roadways between warehouses: 10 MPH.
- C. ~~3.~~ Areas where persons are actively engaged in dockside cargo movement operations: 5 MPH.
- D. 4. Open storage area: 15 MPH
- E. Whereas the aforementioned limits are considered maximum speed limits, all vehicle operators entering congested work/traffic areas are enjoined to reduce their speed to a lower, safer limit.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 20.7 Duty to Report Speeding Violations.**

~~B.~~ M-S-P-A- officials/employees, as well as any Port user observing a vehicle exceeding maximum allowable speed limit(s) on the Port are to report their observations to the Port Security Department. This requirement applies equally to any vehicle observed operating in such a manner so as to pose a hazard to persons, cargo movement operations or facilities on the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 20.8 Enforcement.**

~~C.~~ Vehicles entering the Port at excessive speed(s) will be stopped by the Port Security Department Gate Guard and cautioned to observe Port speed limits. Repeat offenders will be reported, by the gate guard, to the ~~Chief Captain~~ of Security/~~Security Watch Supervisor~~ MSPA Facility Security Officer on duty.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.9 Identifying Violators.**

~~D.~~ The ~~Chief Captain~~ of Security/MSPA Facility Security Officer will make a concentrated effort to positively identify offenders of this instruction and:

- A. ~~1.~~ **First time offenders.** Caution the driver and document the incident in the form of an irregularity report.
- B. ~~2.~~ **Repeat offenders.** Inform the driver a "repeat offense" report is being documented and forwarded to the ~~Dock Superintendent~~ Deputy Director of Operations. If possible stern administrative actions ~~(s)~~ (NOTE: Reports in such instances will be prepared to include reference to previous incident report.)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.10 Review of Speeding Reports by Deputy Director of Operations.**

~~E.~~ The ~~Dock Superintendent~~ Port Operations will review all reports addressing speeding hazardous vehicle operations on the Port with emphasis in reports concerning "repeat offenders". Repeat offender reports shall be forwarded to the Deputy Director of Operations, with suitable recommendation—e for a formal warning, suspension of driving ~~privileges~~ privileges, permanent barring from driving on the Port, etc. ~~for justification~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.11 Review of Speeding Reports by Commission.**

~~F.~~ The Deputy Director of Operations reviews all reports concerning repeat/habitual offenders and determines justification to initiate administrative action(s) against the offender. Should a formal warning be justified, the offender will be notified, in writing over the Executive Director's signature. Should temporary or permanent suspension of driving privilege(s) be justified, the item will be included as an agenda item for the next Port Commissioners meeting where final determination ~~justification~~ will be ~~determined~~ made.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.12 Notice of Suspension of Driving Privilege.**

~~G.~~ Persons being considered for temporary or permanent driving suspension will be advised of the Port Commissioners' determination and afforded five (5) working days to provide mitigating circumstances to justify reconsideration. Failure to respond within five (5) days will result in the enactment of the Port Commissioner's decision without further advisement.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.13 Violator's Vehicle Prohibited Access.**

~~H.~~ In all cases addressed in Rules 1 A thru 12 G, this instruction, suspension of driving privileges is restricted to the persons operating a private vehicle on the Port and may include restriction(s) enacted against the person's vehicle itself.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 20.14 Commercial Agency's Vehicle.**

~~I.~~ Cases involving the use of a commercial agency's vehicle, to include cargo movement equipment, will be addressed to the concerned commercial agency by the Deputy Director for final determination ~~judification~~, using the general procedures contained in this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Section 303. Part 301 Chapter 21: Parking of Personal Vehicles.**

#### **Rule 21.1 Policy Statement.**

Parking of personal vehicles in unauthorized areas is a matter of daily concern, particularly in congested work areas and dockside. Safety and security considerations are obvious. Incidents of lost time resulting from vehicles blocking operations increase costs and require immediate resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 21.2 Parking Area.**

~~The attached map indicates authorized parking for personal vehicles. The heavy black areas are designed for anyone having access to the Port and are the only authorized parking areas~~ Stevedore, having obtained prior approval from Port Operations, will regulate parking during their particular operations.

[insert diagram]

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 21.3 Personal Vehicle on Dockside Area Prohibited.**

No personal vehicles will be allowed on dockside or in cargo handling areas. ~~(NOTE: Personal vehicles displaying the M.S.P.A. decal on their windshield are exempted from this stipulation; however, they must comply with restrictions of this instruction.)~~ The Stevedore will regulate vehicles during their operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 21.4 Parking on Dockside or Cargo Handling Areas Prohibited.**

Dockside, as well as parking in cargo handling areas, is prohibited. Vehicles found parked in these areas will be cited and may be required to show just cause as to why they should not be restricted from entering the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

~~**Exception Provided for Temporary Access Under Limited Circumstances.** There may be some individuals and employees of specific agencies and unions who require temporary dockside parking. A dashboard pass will be given to all stevedoring superintendents for issue to these personnel. This pass will be displayed on dashboard of the parked vehicle. In the case of company personnel driving company owned vehicles, we recommend the vehicle display the company name or logo on the vehicle.~~

### **Rule 21.5 MSPA Not Responsible for Damage to Vehicle Occurring in Prohibited Areas.**

Vehicles must be kept clear of cargo operations at all times. In no way does this imply Port liability for damage to vehicles, nor any additional costs incurred by unauthorized vehicles impeding cargo operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 21.6 Additional Parking Prohibitions.**

Under no circumstances will vehicles be parked in Fire Lanes or so as to be an obstruction to cargo movement, or impede free passage of Port Operations and Security Vehicles. Under no circumstances is a vehicle to be parked, unattended, within 20 feet of the Port gantries, or on the tracks servicing these apparatus. Vehicles found parked and impeding the safe, free movement of these apparatus may be cited and removed at the owner's expense.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 21.7 Penalty for Violations.**

All vehicles that are found parked in unauthorized areas as well as vehicles blocking Port operations and Fire Lanes will be cited and may be towed at the owner's expense.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21  
Enclosure: (1) Port Map

**Section 304. Part 301 Chapter 22: Port Tours.**

**Rule 22.1 Scheduling.**

Tours for the Port of Gulfport will be scheduled in the following manner:

- A. ~~1.~~ All requests for tours will be processed through the ~~Marketing Department. Coordination for tours will be handled by the Secretary or the Marketing Department Contact: Marketing Secretary~~ Business Development Office. Coordination for tours will be handled by the Administrative Assistant at 228-865-4300.
- B. ~~2.~~ Tours will be conducted by the Operations Manager, or his designee who will stay with the group during their visit ~~south of the East and West Pier Gates~~ inside the Port Restricted/Secure areas.
- C. Contact: Operations Manager 865-4317

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Section 305. Part 301 Chapter 23: Control of Weapons, Firearms and Explosive Devices.**

**I. General**

**Rule 23.1 A. Purpose.**

This instruction addresses the Port's policy on weapons control on Port property for the purpose of this instruction. "Port property" encompasses the areas bordered on the West by the sand beach seawall to the eastward boundary of 29th Avenue and extends southward from Highway 90 to the southernmost waterlines and includes the former Commercial Small Craft Harbor as well as the Administrative Offices of the Mississippi State Port Authority at Gulfport are 2510 14th Street #1450, Gulfport, Mississippi 39501.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.2 B. Scope.**

This instruction establishes the Port's policy on the possession and transport of weapons on Port property and provides the Port Security Department the authority to enforce its edicts.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.3 ~~C.~~ Application.**

This instruction is applicable to all persons and agencies employed on traversing through, or engaged in the conduct of commerce on State Port property. This instruction does not apply to Federal, County, and State law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.4 ~~D.~~ Responsibility.**

The ~~Chief~~ Captain of Security and all employees of the Port Security Department as well as State employees and officials are responsible to ensure strict compliance with this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.5 ~~E.~~ Authority.**

Schedule of Charges; Rules, and Regulations for Port Terminal Services, Paragraph 2, Item 154 and Item 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**H. DISCUSSION**

**Rule 23.6 ~~A.~~ Possession of Firearm Prohibited.**

It is unlawful for any person to possess on, or carry, openly or concealed, any gun; rifle, pistol, explosive cartridge, explosive device or powerful explosive as defined in U.S.C.G. 14-284.1 while employed on or conducting business on Port property without the prior, express written approval of M:S:P-A: officials.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.7 ~~B.~~ Possession of Certain Knives Prohibited.**

It is unlawful for any person to possess on, or carry, openly or concealed, any fixed blade knife exceeding five (5) inches in length, any spring or percussion activated knife, dirk, or dagger while employed on or conducting commerce on Port property. Non-fixed blade knives, less than five (5) inches in length, and bladed tools designed expressly for the purpose c-of material handling/preparation are permitted; however, the use of these devices for other than their designed purposes is prohibited.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.8 ~~C.~~ Possession of Other Dischargeable Weapons Prohibited.**



It is unlawful for any person to possess on, or carry, openly or concealed, any sling shot; or flighted, dischargeable device, etc. while employed on or conducting commerce on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.9 D. Possession of Other Melee Weapons Prohibited.**

It is unlawfully for any person to possess or carry, openly or concealed any leaded cane blackjack, metallic knuckles, club, whip, or any other device of like kind designed as a weapon or intended to be used as weapon, whether offensive or defensive, while employed, on, or conducting commerce on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.10 E. Possession of Explosives Prohibited.**

It is unlawful for any person to discharge or cause the discharge of any explosive device; firearm or similar like device on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**III. PROCEDURES**

**Rule 23.11 A. Permission to Use Certain Explosives.**

Persons or agencies requiring the use of charged and/or explosive cartridge activated devices must obtain prior, written permission from the ~~Port's Dock Superintendent~~ Deputy Director of Operations prior employing said or like devices on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.12 B. Penalty for Violators of this Policy.**

Persons attempting entry onto or found on Port property in violation of the contents of this instruction will be subject to:

- A. ~~1.~~ Denial of entry by Security members.
- B. ~~2.~~ Immediate expulsion from the confines of Port property by Security members.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 23.13 Reporting Requirement.**

All such incidents will be reported by the Security Department to ~~the Port's Dock~~

Superintendent Port Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

~~C. Tenants in the Commercial Small Craft Harbor are permitted to transport firearms to/from their craft, by the most expeditious method. All firearms, however, must be rendered inert during said transport and transport must be made immediately prior to sailing or immediately, subsequent to berthing in the Small Craft Harbor. The storage of firearms on said vessels, temporary or permanent, for any, other than a reasonable length of time, while berthed is prohibited~~

**Rule 23.14 D. Armed Agents Prohibited.**

Commercial agencies/firearms located on Port property, and employing outside or internal security agents are enjoined against arming said agent and must obtain prior, express permission from the ~~Port's Dock Superintendent~~ Deputy Director of Operations prior to arming their agents. In all cases the Port is faultless from any incident involving the use of a weapon/firearm by agents under the employment of any outside agency.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Section 306. Part 301 Chapter 24: Unilateral Port Security/Local and Federal Law Enforcement.**

**GENERAL**

**Rule 24.1 A. Purpose.**

This instruction establishes guidelines in the unilateral jurisdictions role of the Port Security Department and its relationship with local law enforcement and federal agencies. It also establishes standard procedures in the use of these agencies by Port Security Officers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.2 B. Scope.**

This instruction identifies local and federal law enforcement agencies to be contacted for assistance by the Port Security Department in the promulgation of the Port's mission to protect resources, ~~personal~~ personnel, and property and in ensuring the edicts of local, state, and federal laws are enforced.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.3 C. Application.**

This instruction is applicable to all members of the Port's Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.4 D. Responsibility.**

The ~~Chief~~ Captain of Security, as well as the Port Operations, ~~is~~ Manager ~~are~~ responsible to ensure the provisions of this instruction are strictly complied with.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.5 E. Authority.**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**DISCUSSION**

**Rule 24.6 Importance of Maintaining Rapport with Other Enforcement Agencies.**

Because of the uniqueness of the Mississippi State Port Authority at Gulfport in servicing United States and foreign flag vessels, as well as a mixture of cargo and passenger bearing vessels, and its commercial fishing fleet, it is necessary that the Port Security Department maintain a mutually supportive rapport with local as well as federal law enforcement agencies.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.7 A. Unarmed Officer Requirement.**

Neither the ~~Chief~~ Captain of Security nor any member of the Port Security Department performs ~~their~~ his or her duties "under arm". Any member of the Port Security Department found to be armed will be reported by M.S.P.A. officials to the general manager of the contracting agency providing security services to the Port with the recommendation said member be summarily removed from service of the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.8 B. Requesting Assistance of Gulfport Police Department.**

The Captain of Security, as well as Sergeant of Security, ~~Security Watch Supervisors~~ acting in concert with the ~~chief~~ Captain and under the ~~chief's~~ Captain's guidance, are empowered to request the assistance of the Gulfport Police Department under the following conditions:

- A. ~~4.~~ Suspected or actual use, transport, or sale of controlled substances, or any incident in which the use of controlled substance is suspected.

- B. ~~2.~~ Any incident involving the use, implied or actual, or display of a firearm ~~occurred~~.
- C. ~~3.~~ Any incident, i.e. confrontation, which resulted in personal injury or the damage to personal or Port property.
- D. ~~4.~~ Any incident or threat, violent or potentially violent.
- E. ~~5.~~ Any larceny committed on Port property.
- F. ~~6.~~ Any incident involving battery against a member of the Security Department.
- G. Minor, nonviolent incidents will be referred to a member of the M-S-P-A- staff with a request for M-S-P-A- intervention.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.9 C. Requesting the Assistance of U.S. Customs.**

Port Security Supervisory Officers may request the assistance of the U.S. Customs Department, Gulfport, to resolve actual instances of seamen or persons working on Port property attempting to import foreign goods into the United States and being detained at any of the Port's entry/exit either the West or East gates. Persons suspected of such activities will be identified in confidential irregularity reports and referred to M-S-P-A- officials for guidance.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.10 D. Requesting the Assistance of U.S. Border Patrol.**

Port Security Supervisory Officers may request the assistance of the U.S. Border Patrol under the following circumstances:

- A. ~~1.~~ A known foreign seaman departing the Port known not to have U.S. Immigration Documents on his/her person
- B. ~~2.~~ A previously identified quarantined seaman attempting to or actually departing the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.11 Reporting Incidents Involving Foreign Seamen.**

All minor conflicts between Port Security members and foreign national seamen will be referred on incident reports to the ~~Port Operations Manager~~ MSPA Deputy Director of Operations for resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

~~E. **Requesting the Assistance of U.S. Immigration and Naturalization Office.**~~ Port Security Supervisory Officers may request the assistance of the U.S. Immigration and Naturalization Office at Gulfport to resolve incidents involving foreign seamer seamen, or agents representing foreign flag vessels which adversely impact direct requests from INS to the Port Security Department concerning certain matters.

**Rule 24.12 Reporting Incidents with Foreign Flag Vessels.**

All minor incidents involving foreign seamen and/or agents of foreign flag vessels will be reported on incident reports to the MSPA Deputy Director of Operations ~~Port Operations Manager~~.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.13 F. Short-Range Requests for Assistance by Local and Federal Authorities.**

Requests from local and federal law enforcement agencies to the Port Security Department for immediate short range assistance will be honored. ~~h~~However, the ~~Port Operations Manager~~ MSPA Deputy Director of Operations will be apprised ~~appraised~~ of the request at the earliest possible opportunity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.14 G. Long-Range Requests for Assistance by Local and Federal Authorities.**

All requests for non-urgent, long range assistance from local and federal law enforcement agencies to assist the Port Security Department will be referred by the Security Officer receiving the request to the ~~Port Operations Manager~~ MSPA Deputy Director of Operations for review and approval prior to being honored.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 24.15 H. Access to Port Facilities by Local and Federal Law Enforcement Agencies.**

Port Authority Department persons staffing entry/exit control points ~~are enjoined against challenging the free entry and exit of local and federal law enforcement agencies to/from Port property and facilities~~ shall not challenge Law Enforcement on official duty but will notify Port Operations.

These agencies include ~~Port or~~ Gulfport Police Department, Mississippi Highway Patrol, Harrison County Sheriff's Department, and Customers Border Patrol Management ~~U.S. Customs, U.S. Border Patrol, Department of Agriculture, U.S. Coast Guard, U.S. Immigration and Naturalization, Department of Alcohol, Tobacco and Firearms.~~

- A. ~~1.~~ Members of these departments driving marked vehicles will be granted unchallenged access to Port property while on official duty.
- B. ~~2.~~ Members of these departments identifying themselves after being challenged and driving unmarked vehicles will be granted access to Port property without further questioning. MSPA Deputy Director of Operations and the Facility Security Officer shall be notified as soon as practical as to the presence of any officer on-site.
- C. ~~3.~~ Vehicles being operated by members of these departments are exempt from all inspection when departing Port property.
- D. ~~4.~~ Members of these departments are granted total authority to bear arms without question while on Port property.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Section 307. Irregularity Incident Reports.**

#### **~~I. GENERAL~~**

##### **~~A. Purpose~~**

~~This instruction establishes minimum requirements for the reporting of irregularity incident reports from the Port Security Department.~~

##### **~~B. Scope~~**

~~This instruction defines minimum occurrences which must be documented as irregularity/incident reports and establishes minimum procedures to protect information and ensure M.S.P.A. officials are provided factual accounts and circumstances surrounding occurrences taking place on M.S.P.A. property and facilities.~~

##### **~~C. Application~~**

~~This instruction is applicable to the Port Security Department~~

##### **~~D. Responsibility~~**

~~The Chief of Security and Port Operations Manager have the dual responsibility to ensure compliance with the provisions of this instruction.~~

##### **~~E. Authority~~**

~~Schedule of Charges, Rules and Regulations for Port Terminal Services, Items 154 and 187~~

#### **~~II. DISCUSSION~~**

~~A. The following items will be documented on irregularity, incident reports and submitted, through the Chief of Security, for the attention and continuing actions, as necessary, of M.S.P. officials~~

- ~~1. All incidents involving damage to Port property and facilities~~
- ~~2. All disturbances on Port property.~~
- ~~3. All vehicle accidents occurring on Port property.~~
- ~~4. All injuries occurring on Port property.~~
- ~~5. All irregularities involving movement of vessels within the Industrial Harbor which have a bearing upon Port operations or which may require M.S.P.A. prevention/resolution~~

6. All fire related incidents regardless of severity.
  7. Facilities found insecure
  8. All safety oriented findings and incidents..
  9. All thefts and/or acts of vandalism.
  10. All incidents involving suspected or actual use, sale, and, or transport of drugs on Port property.
  11. All incidents occurring within the Gulfport Ship Channel as reported to the Port Security Department.
  12. All incidents addressed by other instructions in this Operations and Procedures Manual which dictate the submission of written reports.
- B. Irregularity/incident reports will be written in sufficient detail and conciseness to depict actual occurrence(s), names of persons involved, and any other pertinent information which may be of concern to M.S.P.A. officials.
  - C. The Chief of Security reviews all irregularity reports for compliance with this instruction, assigns a Reports Control Number, maintains a register of reports submitted, and assists M.S.P.A. officials in conducting investigations, on an as needed basis.
  - D. Reports containing sensitive information will be stamped CONFIDENTIAL.
  - E. All irregularity reports will be afforded maximum protection against casual review by unauthorized persons until delivered to concerned M.S.P.A. officials.
  - F. Port Security Officers are enjoined against adding personal opinions or making unfounded suppositions in reports.

### **Section 308. Radio-Telephone Operations (West Gate).**

#### **I. GENERAL**

##### **A. Purpose**

This instruction standardizes procedures for the Radio-Telephone (Communications) Operator located at the West Gate Mississippi State Port Authority at Gulfport, Mississippi. promulgate the effective efficient operations.

##### **B. Scope**

This instruction defines responsibilities and limitations placed upon the Radio-Telephone Communications Operator.

##### **C. Application**

This instruction is applicable to the Port Security Officer staffing the Radio-Telephone (Communications) Operator position.

##### **D. Responsibilities**

1. All radio systems addressed in this instruction are the property of the Mississippi State Port Authority, who retains accountability and maintenance jurisdiction over said systems.
2. The Chief of Security is responsible to train security officers assigned Radio-Telephone (communications) Operator duties.
3. The Chief of Security, Security Watch Supervisors, and security officers assigned the Radio-Telephone (Communications) Operator position are responsible to ensure compliance with the provisions of this instruction.

##### **E. Authority:**

1. Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 154 and 187.
2. FCC Guidebook for VHF (FM) Radio operations of a Limited Coastal Radio Station

#### **H. DISCUSSION**

A. The Port Radio-Telephone Communications Operator position is equipped with two (2) VHF (FM) radios licensed by the FCC as a Limited Coastal Radio Station. Operation of these radios is restricted to OFFICIAL Port business, with FCC directed restrictions and limitations. All transmissions on these radios will be restrictive and subject to these limitations.

B. Only trained, qualified persons will be allowed to operate M.S.P.A. radios. Training must be accomplished by a well qualified radio operator and certified by the Chief of Security.

C. The use of the following "call signs" is dictated, channels indicated, when initiating/acknowledging radio traffic:

Marine Channel 16 and 10—KJC768

Business Channels 3 and 4—KNBB777

Channels 16 and 10 are designated for ship-shore and shore-ship traffic ONLY and will be routinely used to contact/converse with mobile or shore based stations. Channel 16 is designated an international Hail and Distress channel and will not be used to conduct mundane radio transmissions. Channel 3 is a VHF business channel designated for use by Port Security. Channel 4 is a VHF business channel designated for use by Port Operations.

D. Port Radio-Telephone (Communications) Operators will use Channel 16 to hail/respond to marine traffic. Once contact with the desired vessel is established, all further transmissions will be shifted to Channel 10. The use of Citizen Band (CB) jargon is prohibited when conducting traffic on either of these channels.

E. Hailing; as well as all transmissions with/between Port Security functions is accomplished on Channel 3 exclusively. In the event of an emergency, said transmissions may be made on Channel 10; however, these transmissions must be made using the APELCO Radio, set to 1-watt power to limit broadcast area.

H. Hailing as well as all transmissions with/between Port Security functions and Port Operations will be accomplished on Channel 4 exclusively

G. Shore based radio stations and shore based mobile units attempting to contact the Port on either Channels 10 or 16 will be acknowledged and directed to shift traffic to another more appropriate channel

NOTE: Channel 10 will not be used for shore-shore based radio transmissions except as specified in "E" above.

H. All difficulties experienced with operation of Port radio which indicate a maintenance oriented problem will be reported to the Port's contract radio maintenance agency for resolution

### III. SPECIAL CONSIDERATIONS

A. All persons utilizing Port radios will be familiar with and comply with the use of the Transmission Emergency call signs SEC-UP-I-TAY (repeated three times) and MAY-DAY (repeated three times):

1. SEC-UP-I-TAY. Will be used to precede all transmissions concerning the movement of ship traffic entering or transversing through the Gulfport Ship Channel.

2. MAY-DAY: Reserved exclusively for critical emergency transmission where imminent danger or loss of life is a consideration.

3. PHAN: Used only when immediate assistance is required where the imminent loss of life or limb is involved

B. The Gulfport Pilots Association ship's agents handling vessels destined to berth/depart the Port, Gulfport Towing etc. may request the assistance of the Port Radio Operator in effecting communications traffic. Said assistance may be provided on a "time allowable" basis, however, will not be allowed to take precedence over other Port-oriented or Security-oriented traffic.



~~C. The use of State Port Radio facilities to effect routine communication patches between shore based facilities and vessel traffic except as specified in III B. above, is a violation of FCC regulations and violates the provisions of the Port's FCC licenses. Persons requesting such routine assistance will be directed to contact the marine operator~~

~~D. The use of personal radio transmission devises within the West Rate for any purpose, is prohibited.~~

~~E. All radio transmissions received regardless of parties involved indicating an incident within the Gulfport Ship Channel will be transcribed by the on duty radio operator and referred to M.S.P.A. officials as an Irregularity Report.~~

## **Section 309, Part 301 Chapter 25. Dock Releases/Receipts (General).**

### **I. GENERAL**

#### **Rule 25.1 A. Purpose.**

This instruction promulgates procedures for the ~~issue~~ issuance of dock releases and/or receipts by all agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 25.2 B. Scope.** This instruction defines the industrial areas of the Mississippi State Port as the fenced areas of the North, East and West Piers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 25.3 C. Application.**

This instruction is applicable to all commercial agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport and the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 25.4 D. Responsibilities.**

~~1.~~ Managers of commercial agencies operating within the industrial areas of the Port are responsible to ensure compliance with the provisions of this instruction.~~2.~~ The Chief of Security, working in concert with the MSPA Port Operations Manager, is responsible to enforce the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 25.5 E. Authority.**

Schedule of Charges. Rules, and Regulations for Port Terminal Services, Items 154 and

187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

~~H.~~ **DISCUSSION**

**Rule 25.6 A- Liability for Release/Receipts.**

All agencies housing/storing cargo, equipment, supplies, etc., within the industrial area of the Mississippi State Port Authority at Gulfport will be held liable for the design, control, and issue of dock release/receipt documents.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 25.7 Design Requirements.**

The design of said documents is left to the discretion of the agent, however, must include the firm's logo/name, commodity, storage location, date, and signature of person issuing the release. Said agencies will further be held liable to provide a list of authorized signature elements within their organization to the ~~Chief~~ Captain of Security, a copy of which will also be provided by the concerned agency to the ~~Operations Manager~~ Port Operations/M.S.P.A.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 25.8 B- Implementation and Filing of Policies by Agency.**

Agencies housing/storing cargo equipment, supplies, etc. within the industrial area of the State Port Authority at Gulfport will develop and implement policies/procedures to ensure the internal control and protection of their dock release/receipts, and to ensure currency of their signature authority letter(s) on file with the ~~Chief~~ Captain of Security and MSPA Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 25.9 Removal of Materials from Industrial Area**~~C.~~ Agencies housing/storing cargo equipment, supplies, etc., will ensure the removal of said material from the industrial area of the Mississippi State Port Authority at Gulfport is authorized by and covered under the issuance of an authorized dock release/receipt for presentation to Port Security guards as gate passes authorizing removal of the material.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 25.10 D- Receipts Required for Presentation.**

All agencies receiving cargo -or storage on the Port will issue dock receipts for presentation to Port Security at the Entry/Exit Access ~~East/West~~ Gate. Said receipts must indicate type and amount of cargo, and storage location. Agencies releasing empty containers

will issue dock receipts on the container marked "empty".

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 25.11 E. Verification by MSPA Gate Guards.**

Port Security gate guards will ensure the accuracy of and collect dock release/receipts prior to allowing the removal of equipment, cargo, supplies, etc., housed/stored within the industrial area of the Port. This review procedure includes the verification of the signature element authorizing said removal. All attempts to remove material from the Port without proper documentation will result in the denial of exit and return of the vehicle to the storage location for proper documentation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 25.12 F. Resolving Conflicts.**

Should a conflict arise between this instruction and the removal of material from the Port, the concerned agency manager will be contacted by Port Security to resolve the conflict. Vehicles attempting to depart the Port Industrial area without proper authorization, yet unwilling to return to obtain proper documentation, will be detained at the ~~East/West~~ Entry/Exit Access Gate by Port Security, who will contact the concerned agency manager and ~~with the~~ request the manager come to the gate and resolve the ~~difficulty~~ conflict. Unresolved conflicts will be reported to the ~~Port's Operations Manager~~ MSPA Deputy Director of Operations by Port Security, with a request for assistance in resolving the ~~difficulties~~ conflict.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 25.13 G. Special Recordkeeping.**

Port Security gate guards collect and ensure delivery of release documentation for ~~the~~ the Port's Operations ~~Manager~~ the next business day. The implementation of special records and logs, covering specific commodities housed/stored on the Port Industrial area, by Port Security, may be directed by the ~~Chief~~ Captain of Security upon the council, request, and/or consent of the ~~Port's Operations Manager~~ MSPA Deputy Director of Operations. Said special records and logs, however, must be fully justified to meet a particular situation/circumstance and not duplicate other records/logs being maintained on the commodity.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 25.14 H. Oversight of Captain of Security.**

The ~~Chief~~ Captain of Security will provide a source of guidance and information to M-S-P-A- officials, as well as commercial agencies operating on the Port concerning the provisions of this instruction.

**Section 310. Key Control and Accountability.**

**I. GENERAL**

**A. Purpose**

This instruction establishes procedures for the control, accountability and issue of keys secured in the West Gate Mississippi State Port at Gulfport.

**B. Scope**

Whereas, it is recognized immediate, unrestricted access to Port facilities must be available during periods when the Port is closed to meet unforeseeable emergencies, strict control and accountability of said keys must be taken

**C. Application**

This instruction is applicable to all members of the Port Security Department staffing the West Gate

**D. Responsibility**

The Chief of Security, operating independently and through Watch Supervisors, is responsible to ensure strict compliance with the provisions of this instruction

**E. Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services Items 154 and 187.

**II. DISCUSSION**

A. A complete set of spare keys to Port facilities will be positioned, by M.S.P.A. officials, in the West Gate key cabinet. Access to this key cabinet is restricted to the entry/exit control guard staffing the West Gate, the Radio Telephone Communications Operator and the Security Watch Supervisor on duty.

The oncoming Security Watch Supervisor will inventory the key cabinet during watch change to ensure accountability of all keys.

Issue of all keys will be controlled by the West Gate Security Officers. Persons requesting issue of a key will sign for the key in the key control register and will be held responsible to return the key. Keys being returned will be annotated in the key register to reflect date/time key was returned.

**Section 311. Linehandlers Call-out During Nonbusiness Hours**

**I. GENERAL**

**A. Purpose:**

This instruction establishes procedures for the call-out of M.S.P.A. linehandlers by Port Security officers during non-business hours.

**B. Scope:**

This instruction defines areas of responsibility for M.S.P.A. Operations and Port Security Department and procedures to be followed to ensure the timely call-out of linehandlers.

**C. Application:**

This instruction is applicable to M.S.P.A. Operations and Port Security Department personnel.

**D. Responsibilities:**

1. The M.S.P.A.. Piers and Warehouses Manager is responsible to ensure the posting of linehandlers listings in the West Gate

2. The Chief of Security is responsible to ensure compliance with the provision of this instruction.

E. Authority:

~~Schedule of charges Rules and Regulations for Terminal Services. Items 154 and 187.~~

## ~~II. DISCUSSION~~

~~A. The M.S.P.A. Piers and Warehouses Manager will develop and post listing of linehandlers in the West Gate daily prior to 1700 hours. This list will include as a minimum:~~

~~1. Known inbound/outbound vessels and the number of senior and normal linehandlers required.~~

~~2. Any special instructions concerning reposition of Port gantries as required.~~

~~3. A listing of Senior linehandlers to be called arranged in precedence of call out.~~

~~4. A listing of normal linehandlers to be called arranged in precedence of call out.~~

~~B. The Port Security Department Radio-Telephone (Communications) Officer will:~~

~~1. Inbound Vessels~~

~~a. Verify, with the Pilot aboard, the actual time the vessel is expected to arrive in the harbor. This verification will be accomplished when the Pilot notifies the Port the vessel is entering the Gulfport Ship Channel. (NOTE: On scheduled vessels, if the Pilot has not contacted the Port 1 1/2 hour prior to scheduled docking time(s), the Radio-Telephone (Communication) Officer will initiate a call to the Pilot to determine docking time.)~~

~~b. The Radio-Telephone Communication Officer will initiate call out procedures for linehandlers one (1) hour before scheduled docking of vessel using the prepared M.S.P.A. linehandlers list. NOTE: Senior linehandlers will be called first.) A "linehandlers" list (Attachment 1) will be prepared for each vessel being berthed.~~

~~2. Outbound Vessels~~

~~a. The Chief of Security/Watch Supervisor on duty will verify the sailing time of outbound and update the sailing schedule as needed, to the greatest extent possible.~~

~~b. One hour to scheduled sailing time, the Radio-Telephone (Communication) Officer initiates call out of linehandlers using the M.S.P.A. pre-prepared linehandler.~~

~~(NOTE: Senior linehandlers will be contacted first.)~~

~~A linehandlers call out list (Attachment 1) will be prepared on all outbound vessels requiring use of linehandlers.~~

~~3. Special Consideration: Port Gantries~~

~~In the event the Port gantries, Berths "J" and "K" must be repositioned to facilitate safe berthing of vessels in these berths, and the under the direction of the Piers and Warehouses Manager the Radio-Telephone Communications Office will call a member of the M.S.P.A. Bulk Handling Department at least one (1) hour prior to scheduled docking/sailing of the vessel.~~

~~C. The Chief of Security/Watch Supervisor on duty will review/verify linehandlers call out list and ensure the proper number of persons were contacted and sign the list. Linehandlers list will be forwarded to M.S.P.A. officials the next business day.~~

## **Section 312. Part 301 Chapter 26: Verification of Ship Chandler Licenses.**

### **GENERAL**

**Rule 26.1 A. Purpose.** This instruction provides standardized verification procedures by the Port Security Department to ensure the authorization of commercial agencies providing ship chandler services on the Mississippi State Port at Gulfport, Mississippi.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 26.2 B. Scope.**

This instruction defines “ship chandler” as any agency providing supplies and services to any vessel docked/berthed at any pier within the confines of the Mississippi State Port Authority Industrial Area. This instruction excludes commercial agencies providing supplies and/or services to administrative offices confined within ~~the confines of the~~ of the Port's Industrial Area from requirement to possess said licenses.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 26.3 C. Application.**

This instruction is applicable to members of the Port Security Department, as well as to any M:S:P:A- employee/official who witness the recurring activities of an agency which could be defined as being ship chandler oriented.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 26.4 D. Responsibilities.**

- A. ~~1.~~ **Reporting Unauthorized Use of License.** All M:S:P:A- employees suspecting the unauthorized activity of a ship chandler are responsible to report said activity to the Chief of Security/Security Watch Supervisor for Investigation/resolution.
- B. ~~2.~~ **Implementation.** The ~~Chief Captain~~ of Security/MSPA Port Operations is responsible for implementing the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 26.5 E. Authority.**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Items 154~~;~~158 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**DISCUSSION**

**Rule 26.6 A. Administrative Support.**

The Port Operations Dock Superintendent, working in concert with the Port Administrative Office, will provide to the ~~Chief~~ Captain of Security the following administrative support material in support of this instruction:

- A. ~~1.~~ A current listing of agencies licensed to provide ship chandler services on

the Port; and

- B. ~~2.~~ A ready supply of Ship Chandler Information Packages to be issued to agencies found operating in violation of Item ~~458~~ 162 Schedule of Charges, Rules and Regulations for Port Terminal Services Mississippi State Port at Gulfport.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 26.7 B. On-Site Enforcement Authority.** ~~The Port Dock Superintendent~~ Port Operations, working in concert with and under the advisement of the ~~Port Executive Manager(s)~~ MSPA Deputy Director of Operations, retains on-site authority to determine authorization/exclusion of commercial agencies found in violation of Item ~~458~~ 162, Schedule of Charges, Rules, and Regulations for Terminal Services Mississippi State Port Authority at Gulfport and will provide advisement/guidance to the Port Security Department.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 26.8 C. Guard Outpost Reporting Requirement.**

Port Security officers staffing the ~~East and West Entry/Exit Access~~ Gates will consult the current listing of ship chandlers posted by the ~~Chief Captain~~ of Security at each guard house when passing supply and services oriented vehicles through their guard post. These persons will advise the ~~Chief Captain~~ of Security/Security Watch Supervisor of any commercial agency entering the Port to provide chandler services, suspect to being in violation of Item ~~458~~ 162, Schedule of Charges, Rules, and Regulations for Terminal Services - Mississippi State Port Authority at Gulfport.

NOTE: Port Security officers do not have the authority to arbitrarily bar or deny entry of chandler/services oriented vehicle to Port/Shipside facilities except upon the explicit written directions of the ~~Port Dock Superintendent~~ MSPA Deputy Director of Operations. This restriction applies to and is extended to include the Port's ~~Chief Captain~~ of Security.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 26.9 D. MSPA Response to Violations.**

Upon advisement, by either a Port Security gate officer or a member of the M-S-P-A staff of suspected activities in violation of Item ~~458~~ 162, Schedule of Charges, Rules, and Regulations for Terminal Services--Mississippi State Port Authority at Gulfport, the Chief of Security/Security Watch Supervisor will:

- A. ~~4.~~ Determine the validity of the commercial agency to conduct chandler oriented services on the Port by consulting the current listing of chandlers licenses.

- B. Issue a "Ship Chandler Information" package to drivers of vehicles whose agency is found to be in violation of Item ~~158~~ 162. Document said issuance on the registry of information packages for future reference as required. (FIRST VIOLATION)
- C. ~~2.~~ Issue a "Ship Chandler Information" package marked "2nd: Warning" to drivers of vehicles whose agency is found to be in violation of Item ~~158~~ 162. Orally caution the driver that failure ~~of~~ of the agency to contact the Port Authority to resolve the matter may result in the agency being barred from the Port.
- D. ~~3.~~ Document said action, to include full name of company/agency, mailing address and telephone number, on an irregularity report for submission, through the ~~Chief Captain~~ of Security to the ~~Port Dock Superintendent~~ MSPA Deputy Director of Operations. (SECOND VIOLATION)
- E. ~~4.~~ Order the cessation of all service oriented activities by agency/employees of agency found to be in violation of Item ~~158~~ 162. Temporarily detain the vehicle at the location and advise the ~~Port Dock Superintendent~~ MSPA Deputy Director of Operations of the situation and request assistance/guidance. Be prepared to transport employee to Port Operations or to escort the vehicle from the Port, at the direction of M:S:P:A: officials. (THIRD VIOLATION)

NOTE: Irregularity reports generated as the result of Second and Third Violations will be annotated to include reference to previous violation(s) and action(s) initiated.

- F. ~~E.~~ Upon advisement by M:S:P:A: officials, of restrictions implemented against a ship chandler, either currently licensed or found to be in violation of Item ~~158~~ 162, the ~~Chief Captain~~ of Security will post an exclusion advisement at all of the West and East Entry/Exit Gates. Said advisement will include the requirement for gate guards to contact the ~~Chief Captain~~ of Security/~~Watch Supervisor~~, who will verify the validity of the exclusion advisement with M:S:P:A: officials before allowing/denying access to the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **~~Section 313. Commercial Small Craft Harbor Security.~~**

#### **~~I. GENERAL~~**

##### **~~A. Purpose:~~**

~~This instruction establishes procedures and guidelines for the Commercial Small Craft Harbor (C.S.C.H.) Patrol.~~

##### **~~B. Scope~~**



~~This instruction defines areas of responsibility as well as scope of patrol area covered by the C.S. . C . H. security guard (walking) The C.S.C.H. security patrol is seasonal, the time frame of which is dictated by contractual agreement with contract a security agencies.~~

~~C. Application:~~

~~This instruction on is applicable to Port Security employees Fulfilling the seasonal term of patrol. It is also applicable to Chief of Security and Watch Supervisors during off season periods and periods when the Harbor Master is not available.~~

~~D. Responsibilities:~~

~~1. The Chief of Security is responsible to train Port Security employees assigned the C.S.C.H. patrol on the provisions of this instruction.~~

~~2. The Chief of Security, Watch Supervisors and C.S.C.H. patrol officers are responsible to ensure compliance with the provision of this instruction.~~

~~E. Authority~~

~~1. Section III, Items 216 thru 304, Schedule e of Charges, Rules and Regulation~~

~~H. DISCUSSION:~~

~~A. Scope of Patrol Area:~~

~~The C.S.C.H. guard patrols the area immediately South of Highway 90 along Fisherman's walk with a westward boundary of the west seawall and eastward boundary of 30th. Avenue. This area includes Piers 1, 2, 3 & 4 and all vessels berthed at these piers, as well as Raffeo's Seafood outlet. This patrol area extends south from the C . S.. C. H with an easterly boundary of 30th. Avenue extending west to the seawall and includes Gulfport Purchasing the Shell station, the Driftwood, and the Southern Steamship buildings and vehicles parked in Foretich Landing truck lot.~~

~~B. Patrol Hours~~

~~The C. S. C. H. patrol hours are 1500 to 0700 hours Monday through Friday and 0700 hours to 0700 hours Saturday, Sunday and holidays (as designated by M. .P.A. officials).~~

~~C. Patrol Procedures:~~

~~The C.S.C.H. patrol guard 1; designated a foot patrol with the guard completing one round each hour. A patrol round is designated as covering all patrol area, including designated piers and facilities each clock hour.~~

~~D. Disturbances: (Dealt. with on a case-by-case basis.)~~

~~Relying on the Harbor Police for assistance, the Port Authority will, have the manpower to enforce these and other regulations which are policy to insure tranquility and safety in the harbor.~~

~~1. Those violating any Port Authority Rules and Regulations will be summoned to appear before a Justice of the Peace Court.~~

~~2. If found guilty automatic expulsion will result from aggravated assault, displaying or discharging firearms disturbance or acts of violence, possession or use of controlled substances or any other felon,;~~

~~If found guilty of misdemeanors including, but not limited to, possession and/or public consumption of alcoholic beverages without the proper license and approval of the Board of Commissioners of the Port Authority, public drunkenness, indecent exposure, improper berthing, damage to Port facilities, excessive speed, pollution, littering the harbor and, uniform docks, uniform traffic violations, or creating a nuisance, fines will be imposed at the discretion of the Court. Three (3) convictions of misdemeanors will cause automatic suspension from the Harbor Offenses involving length,, litigation will cause berth privileges to be suspended pending the outcome.~~

**Section 314. Part 301 Chapter 27: West Gated Railroad Crossing Entrances.**

**I. GENERAL:**

**Rule 27.1 A. Purpose:**

Because of the inherent dangers of an unprotected, ground level railroad crossing in a congested traffic area, this instruction establishes procedures to alert vehicles to passing trains and preclude unwarranted accidents.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 27.2 B. Scope.**

This instruction defines areas of responsibility as well as procedures to be taken by the Port Security Department. ~~'s West Gate Officers.~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 27.3 C. Application:**

This instruction is applicable to all Port Security Officers staffing the West Gate.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 27.4 D. Responsibility:**

The Chief of Security/~~Security Watch Supervisors are~~ is responsible to ensure compliance with the provisions of this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 27.5 E. Authority:**

Schedule of Charges, Rules, and Regulations for Terminal Services, Items 154 and 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**H. DISCUSSION:**

**Rule 27.6 A. Procedures When Inbound Train Approaches.**

Upon seeing an approaching (inbound) train, West Gate Security Officers will: KCS is required to contact the West Gate Radio/Telephone operator via radio with an estimated time of arrival of inbound train. The radio operator will contact the Security Roving Patrol who will:

- A. ~~1. Open the railroad access gate as requested by KCS. located just southwest of the West Gate.~~
- B. ~~2. Position one guard immediately north of the railroad track to halt all southbound vehicle traffic. KCS railroad will enter the Port Facility at a speed of not more than 5 MPH. Under certain situations KCS will request Port Security help with Port traffic control while the train is servicing the Port of Gulfport.~~
- C. ~~3. Position one guard in the doorway of the West Pier "EXIT" lane to halt all outbound vehicle traffic.~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 27.7 B. Procedures When Outbound Train Approaches.**

Upon seeing and outbound (from West Pier) train, west Gate Security Officers will: KCS will advise Port Security when the outbound train is ready to exit the Port. Port Security will secure each rail gate upon KCS completion of duties on the Port.

- D. ~~1. Position one guard immediately North of the railroad track to halt all southbound vehicle traffic.~~
- E. ~~2. Position one guard in the doorway of the West Pier "EXIT" lane to halt all outbound vehicle traffic.~~
- F. ~~3. When train has cleared the Port and it is safe to do so, close the West Pier Railroad Gate.~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Section 315. Gulfport Yacht Club - Entry Control Procedures.**

#### **GENERAL**

**A. Purpose.:** ~~This instruction promulgates standard entry/exit control procedures for Port Security Persons staffing the East Pier Gate in controlling entry/exit of the Gulfport Yacht Club.~~

**B. Scope.:** ~~This instruction defines procedures and limits the responsibility of the Port Security Department in control (limited) of access to/from the Gulfport Yacht Club.~~

**C. Application.:** ~~This instruction is applicable to Port Security Persons staffing the East Pier Gate.~~

**D. Responsibilities.:** ~~The Port's Chief of Security is responsible to ensure total compliance with the provisions of this instruction.~~

**E. Authority.:** ~~1. Schedule of Charges, Rules, and Regulations for Terminal Services, Items 154 and 187. and 2. the Gulfport Yacht Club letter dated Dec. 1, 1989 (Attch. # 1).~~

#### **H. DISCUSSION:**

~~Procedures, responsibilities, and limitations germane to this instruction are contained in the joint letter of agreement included as attachment # 1 to this instruction.~~

~~Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21~~

### **Section 316. Standard Fruit Notification (Emergency).**

#### **I. GENERAL**

##### **A. Purpose**

~~Because of the unilateral security jurisdiction existing between the Port's and Standard Fruit Company's Security Departments standard procedures must be followed in ensuring a mutually supportive reporting and surveillance program.~~

##### **B. Scope**

~~The Port Security Department has no patrol jurisdiction within the confines of the Standard Fruit Terminal Compound. However, the Port Security Department retains physical security responsibilities over Standard Fruit containers/facilities outside the terminal and on State Port property.~~

~~The Port Security Department is encouraged to perform security surveillance over the Standard Fruit Terminal and report unusual activities within the terminal as outlined in these instructions.~~

~~The Standard Fruit Security Department retains sole security responsibility within the confines of the Standard Fruit Terminal Compound.~~

##### **C. Application**

~~This instruction is applicable to all members of the Port's Security Department.~~

##### **D. Responsibility**

~~The Port Chief of Security/Security Watch Supervisors are responsible to ensure compliance with this instruction.~~

##### **E. Authority**

~~1. Schedule of Charges, Rules, and Regulations for Port Terminal services. Items 154 and 187.~~

~~2. Standard Fruit Company letter, February 1, 1990 (Attech. # 1)~~

#### **II. DISCUSSION**

~~A. Operating within the scope of this instruction, the Chief of Security and through Security Officers and Watch Supervisors maintains physical security watch over Standard Fruit property positioned on State Port property outside the Standard Fruit Terminal. Any difficulty/incident involving said property will be reported to:~~

~~1. After normal business hours: (See Note # 1) Mr. Malcom Headley 896-3678~~

~~2. During normal business hours:~~

~~Mr. Herman Pflug—867-2934~~

~~Mr. Stan Stark—867-2964~~

~~Mr. Tom Gargiule—867-2932~~

~~NOTE 1: In the event Mr. Headley cannot be contacted, notify one of the persons identified in II. A. 2. above.~~

~~B. Operating within the scope of this instruction, the Chief of Security or Security Watch Supervisor on duty observing any unusual activity within the confines of the Standard Fruit Company Terminal Compound will report the activity/incident as follows:~~

~~1. During normal business hours: The Standard Fruit Company Security Officer on duty at the Standard Fruit Fast Gate~~

~~2. After normal business hours: Mr. Maleom Headley—896-3678 M. Herman Pflug—867-2934 Mr. Stan Stark—867-2964 Mr. Tom Garciulo—896-9404~~

~~C. Special consideration must be applied to the protection of Standard Fruit Company property and facilities during nonbusiness hours. In the event damage to or loss of property/facilities is imminent and preventable, the Chief of Security/Security Watch Supervisor on duty has authority to request emergency assistance, i.e. Gulfport Police Department, Gulfport Fire Department, etc. In all such cases, the procedures outlined in I: A. will be followed.~~

~~Attachment: Standard Fruit Company letter, February 1, 1990~~

### **~~Section 317. Dock Releases – United Brand's Containers on West Pier.~~**

#### **~~I. GENERAL~~**

##### **~~A. Purpose:~~**

~~This instruction establishes standard procedures for the verification of authorization to remove, and obtain dock releases on United Brands containers/chassis pre-positioned on the West Pier for pick-up.~~

##### **~~B. Scope:~~**

~~This instruction defines areas of responsibility and procedures to ensure security of United Brands containers/chassis pre-positioned on the West Pier.~~

##### **~~C. Application:~~**

~~This instruction is applicable to Port Security officers staffing the West Gate.~~

##### **~~D. Responsibility:~~**

~~The Chief of Security is responsible to ensure compliance with the provision of this instruction.~~

##### **~~E. Authority:~~**

~~Schedule of Charges, Rules, and Regulations for Terminal Services Items 154 and 187.~~

#### **~~II. DISCUSSION~~**

~~A. United Brands Managers will pre-position containers/chassis to be picked up, in the Northeast portion of the West Pier. All documentation on these containers/chassis, including dock releases will be placed in the United Brands gate house to be retrieved by the concerned truck driver(s) prior to entering the West Pier.~~

~~B. The West Gate guard verifies the truck driver has the appropriate documentation, including a dock release, prior to admitting the truck onto the West Pier. The West Gate guard will also issue a blank U.B. dispatch form to the driver (see fig. # 1) to be completed by the driver and returned when exiting the Port.~~

~~C. Prior to allowing the container/chassis to be removed from the West Gate, the West Gate guard:~~

- ~~1. Obtains the dock release from the driver.~~
- ~~2. Obtains the United Brands dispatch form from the driver and ensures all required information has been annotated.~~
- ~~3. Compares the dock release and dispatch form and ensures all information agrees.~~
- ~~4. Compares the dispatch form against the container and chassis numbers to ensure the correct assembly is being removed.~~
- ~~5. Forwards the dock release to M.S.P.A. officials the next business day~~
- ~~6. Places the dispatch form in the United Brands holding box for forwarding to United Brands officials the next business day.~~

~~(NOTE: No container /chassis will be removed from its pre-positioned location on the West Pier without proper documentation as outlined in II.C. 1 thru 6. above.)~~

## **Section 318. Pool Chassis.**

### **I. GENERAL**

#### **A. Purpose**

This instruction establishes procedures and defines responsibilities to control removal of POOL chassis from the West Pier.

#### **B. Scope**

This instruction defines Pool chassis issue procedures in general, 1, and the span of the Port's Security Department responsibilities enc. procedures in particular.

#### **C. Application**

This instruction is applicable to the Port Security Department.

#### **D. Responsibility**

The Port's Chief of Security, Watch Supervisors and Security Officers staffing the West Gate are responsible to ensure compliance with the contents of this instruction.

#### **E. Authority**

Schedule of Charges, Rules, and Regulations for Port Terminal Services, Item 187.

### **II. DISCUSSION**

A. POOL chassis are pre-positioned at the Port as rental/lease equipment. Accountability, maintenance and upkeep of these chassis is accomplished by Thermo King Company. All chassis are stored in the chassis lot just South of Building # 34, West Pier, with Thermo King operating from the West half of Building # 34.

B. POOL chassis will be returned to the chassis parking lot. The West Gate Security Officer will:

1. During normal business hours: Provide instructions to inbound drivers delivering POOL chassis to Building # 34. Ensures the driver understands he/she must contact an employee of Thermo King when returning chassis.

2. During non-business hours: Provide instruction to inbound drivers to the chassis parking lot. Ensure the driver understands the chassis must be backed into a vacant slot in this parking lot. An outbound vehicle having delivered the chassis and "bobtailing" from the Port does not require a gate pass/dock receipt. (NOTE: Normal dock receipt procedures, as outlined in other instructions in this manual, remain in effect for vehicles dropping a chassis then picking up other property.)

C. POOL chassis may be removed from the Port during normal business hours only. The West Gate Security Officer will retrieve a chassis gate pass (Attachment # 1), issued by Thermo King, before allowing the vehicle to depart. All chassis passes will be delivered to M.S.P.A. officials the next business day.

### **III. SPECIAL CONSIDERATIONS:**

There may be cases whereby a truck enters the Port "bobtail", picks up a chassis from Thermo King, proceeds to another Port customer, picks up a container, and departs the Port. In all such cases, the West Gate Security Officer will retrieve (1) a chassis receipt issued by Thermo King, and (2) a dock release receipt on the container, issued by a person responsible for issuance of the container.

In all cases, the West Gate Security Officer retrieving release documentation is to verify the serial number of the chassis, and if applicable, the container being removed against the appropriate release document. Any discrepancy noted in this verification process will result in the vehicle being denied departure and its return to the responsible agency for corrective action.

### **~~Section 313. M/V SOUTHERN ELEGANCE Entry, Exit/Property Removal Control.~~**

#### **~~I. GENERAL~~**

##### **~~A. Purpose~~**

~~This instruction promulgates procedures for controlling access to the M/V SOUTHERN ELEGANCE and the removal of property belonging to the Southern Elegance Cruise Lines, Ltd.~~

##### **~~B. Scope~~**

~~This instruction defines the limits of the Port Security Department in controlling access to the M/V SOUTHERN ELEGANCE and the removal of Southern Elegance Ltd. property from the East Pier.~~

~~This instruction also establishes scope of responsibilities implementing its procedures.~~

##### **~~C. Responsibilities~~**

~~1. Managers of Southern Elegance Cruise Lines, Ltd. retain singular responsibility for the issue of passes and receipts defined in this instruction.~~

~~2. Employees of the Southern Elegance Cruise Lines, Ltd. Security Department retain singular responsibility for the control of visitors and guests to the M/V SOUTHERN ELEGANCE and for the control of property stored/positioned aboard the M/V SOUTHERN ELEGANCE or in the Southern Elegance Cruise Lines, Ltd. facility on the East Pier, M.S.P.A.~~

~~3. The Port Security Department's East Gate Officer is declared a verification and surveillance agency only for controlling access to Southern Elegance Cruise Lines, Ltd. facilities on the East Pier as well as access to the M/V SOUTHERN ELEGANCE berth on the East Pier.~~

~~4. The Mississippi State Port Authority shall be held "faultless" for any unauthorized access to the M/V SOUTHERN ELEGANCE or for the unauthorized removal of Southern Elegance Cruise Lines, Ltd. Property from the East Pier.~~

##### **~~D. Application~~**

~~This instruction is applicable to the Port Security Department.~~

##### **~~E. Authority~~**

~~Schedule of Charges Rules and Regulations for Port Terminal Services Items 154 and 187.~~

#### **~~II. DISCUSSION~~**

~~A. Physical security for the M/V SOUTHERN ELEGANCE while in port as well as over Southern Elegance Cruise Lines, Ltd. property aboard the M/V SOUTHERN ELEGANCE and, 'or housed on the East Pier is provided by security agents in the employ of Southern Elegance Cruise Lines, Ltd. Authorization to visit the M/V SOUTHERN ELEGANCE as well as remove Southern Elegance Cruise Lines, Ltd. property from the East Pier is controlled by Southern Elegance Cruise Lines, Ltd. management persons who will issue and control visitor passes, employee placards, and property removal passes.~~

~~B. The Port Security Department's East Gate officer is a surveillance officer and will:~~

~~1. Verify employee authorization to enter the Port by checking the Southern Elegance Port Pass displayed in the employee's windshield (See Attachment # 11. (NOT : Employees possessing Southern Elegance placards containing a RED Southern Elegance logo have been validated as having a continual need to access the M/V SOUTHERN ELEGANCE berth location. Employees possessing Southern elegance placards containing a BLUE Southern Elegance logo will be directed! by the East Gate Officer, to the Southern Elegance parking lot for employees.)~~

~~2. Deny any vehicle displaying an expired placard access to the Port during non-business hours. All employee placards will be stamped with an expiration date by the Southern Elegance office.~~

~~3. Direct employees attempting to enter the Port during non-business hours without displaying or possessing a placard to the Southern Elegance Security Agent/.Parking Lot Attendant.~~

~~4. Require persons desiring access to the M/V SOUTHERN ELEGANCE to present an authorized visitor's pass when not accompanied by a Southern Elegance manager (See Attachment # 2). Persons failing to possess this pass will be directed to the Southern Elegance business office in Gulfport.~~

~~5. Act as a collection agency for Gate Passes (See Attachment # 3) issued by the Southern Elegance Cruise Lines, Ltd. authorizing the removal of property from the East Pier and deliver collected passes to the Southern Elegance Security Supervisor the next business day. To maintain the integrity of this procedure the Port East Gate Security Officer may conduct random/spot inspections of Southern Elegance Cruise Lines, Ltd. employee vehicles, traffic conditions allowing Any vehicle found containing Southern Elegance Cruise se Lines Ltd. property without removal authorization will be detained at the gate and the Port Security Watch Supervisor advised who in turn will verify possession of the property and contact the Southern Elegance Security Watch Officer. (NOTE: An Irregularity Report will be prepared on all unauthorized property removal, suspected or actual.) (NOTE: Under no circumstances are spot/random inspections to be conducted during high departure hours when Southern Elegance Customers will be delayed, nor will any customer vehicle be inspected by Port Security Officers. The determination to as well as actual inspection of a customer's vehicle rests entirely with employees of the Southern Elegance Cruise Lines, Ltd. Security Department, who retains sole responsibility for any resultant actions.)~~

### ~~III. SPECIAL CONSIDERATIONS~~

~~The determination to conduct as well as actual inspection of an employee's person and hand carried parcel solely with the Southern Elegance Cruise Lines, Ltd. Security: Department. Employees of the Port Security Department are prohibited from participation in such activities and the Port shall be held faultless in any subsequent actions initiated by the employee.~~

~~Employees of the Southern Elegance Cruise Lines, Ltd. discharged/terminating employment; however, failing to return employee placard will be identified by the Southern Elegance Cruise Lines, Ltd. to the Port Security Department, in writing, with the request the placard be confiscated should the former employee attempt to use it to gain access to the Port. (See Attachment # 4).~~

## ~~Section 320.~~ **Part 301 Chapter 28: Contractor Access Control Procedures.**

### ~~H.~~ **GENERAL**

#### **Rule 28.1 A. Purpose.**

This instruction ~~on~~ promulgates access/departure control and documentation of contractors and their agents/employees onto Port property and facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 28.2 B. Scope.**

This instruction defines responsibilities and establishes procedures to control and



document contractor access to the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 28.3 C. Responsibilities.**

- A. ~~1.~~ The Port Authority, through ~~the Dock Superintendent~~ Port Operations and Port Engineering, is responsible to identify a contract monitor for all contracts let by the Port.
- B. ~~2.~~ The M-S-P-A- Contract Monitor is responsible to identify, to the Port Security, new contractors and areas to be worked as the Port lets new contracts.
- C. ~~3.~~ The ~~Chief~~ Captain of Security and Port Operations, through Watch Supervisors and Security Officers, is responsible to ensure compliance with this instruction.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 28.4 D. Authority.**

Schedule of Charges, Rules, and Regulations for Port Terminal Services. Item 187.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**DISCUSSION**

**Rule 28.5 A. Duties of the Contract Monitor.**

As new contracts are let to perform work on the Port, the Port's Contract Monitor identifies: (1) the contractor's name, (2) work area and (3) ~~protected~~ projected time span of the contract; to Port Operations who briefs the Chief Captain of Security. In the event a contractor has prepaid material, will be dealing with material belonging to the Port, or has material to be left on the Port, the Contract Monitor will provide to Port Operations and the Captain ~~the Chief~~ of Security a description of the material.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 28.6 B. Further Duties of the Contract Monitor.**

The Port's Contract Monitor will brief all contractors on access control and documentation procedures implemented by this instruction. Contractors using prepaid material or dealing with material owned by or to be returned to the Port will further be briefed on dock receipt procedures by the Port's Contract Monitor.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 28.7 C. Logbook.**

The Port Security Department, through its Entry Control Security Officers, will require all contractors to sign in/out in the "Contractor Control" logbook. (NOTE: Contractors working on the East Pier will be logged In/Out in the Daily Logbook. All such entries will include: name of contractor, area being worked in, name of individual, and time IN and time OUT.) ~~(NOT =~~ NOTE: Contractor vehicles entering the Port with more than one person will be documented by the driver and all persons being transported to the job site. only. ~~There is no requirement for all passengers to sign IN/OUT.)~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 28.8 D. Removal of Material from Port by Contractor.**

Any contractor attempting to remove material previously identified by the Contract Monitor as belonging to the Port, will be challenged by the Access Control Security Officer to present authorization (Gate Pass/Dock Receipt) from the Port. Should said authorization not be available, the contractor will be denied exit and the ~~Chief~~ Captain of Security/~~Watch Supervisor~~ will be notified, investigate the incident, and contact the Contract Monitor/~~Dock Superintendent~~ Port Operations for guidance. (NOTE: All such incidents will be documented as an irregularity as outlined elsewhere in this manual.)

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 28.9 E. Visitors to Contractor Area.**

Visitors to all contractor areas are to sign in/out using the same procedures outlined in this instruction for contractor/contractor employees. All visitors to construction sites are required to possess a TWIC card for access.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 28.10 F. Delivery Vehicles.**

Vehicles (non-contractor owned) entering the Port for the purpose of making deliveries are required to possess a TWIC card for access onto the Port property and will be required to sign In/Out; only are exempt from the requirement to sign in/out; however, also any vehicle attempting to remove Port prepaid or controlled property, or suspect of attempting to remove said property, will be required to provide to the Access Control Officer(s); authorization, i.e. gate pass/property removal receipt.

**SPECIAL CONSIDERATION**

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 28.11 Highly Pilferageable Materials Monitored.**

The Chief Captain of Security/~~Watch Supervisor(s)~~ Port Operations will be advised, by the Contract Monitor, of contractor owned/supplied highly pilferageable supplies/materials pre-positioned/housed on the Port. Whereas the contractor retains responsibility for this material, the Chief Captain of Security and ~~Watch Supervisors~~ Port Operations will familiarize themselves with this said materials' location and periodically check the material to ensure its security.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **~~Section 321. Electrical Power Alarm Procedure (Warehouse # 14).~~**

### **~~I. GENERAL~~**

#### **~~A. Purpose~~**

~~This instruction promulgates standard procedures for notifying concerned persons in the event of an electrical power incident in Warehouse # 14. (West Pier)~~

#### **~~B. Scope~~**

~~This instruction establishes standard procedures and defines areas of responsibility in response to power incidents originating from within Warehouse # 14.~~

#### **~~C. Application:~~**

~~This instruction is applicable to the Port Security Department, as well as MSPA Officials. Employees and contract maintenance agencies responsible for responding to Power Alarms from within Warehouse # 14.~~

#### **~~D. Responsibility:~~**

~~1. The Port's Chief of Security through Security Watch Supervisors and Security Officers staffing the West Gate, is responsible to ensure compliance with this instruction.~~

~~2. MSPA Official's and contracting agencies tasked with care and maintenance of freezer units positioned at Warehouse # 14 are responsible for compliance with applicable portions of this instruction.~~

#### **~~E. Authority:~~**

~~Schedule Changes, Rules, and Regulations for Port Terminal Services Item 187.~~

### **~~H. DISCUSSION~~**

~~A. Warehouse # 14 (North) on the West Pier is equipped with an automatic power monitor and alarm system to alert West Gate Security Officers to an actual or potential power malfunction (i.e. ~~failure~~) in the freezer unit. The remote for this system, located within the West Gate, is equipped with a RED and a GREEN lamp, and SILENCE button. Visual and audible conditions are illustrated in Table 1, this instruction~~

**~~TABLE 1. Warehouse # 14 Power Monitor Indicators~~**

#### **~~Display Table~~**

~~B. Under normal operating conditions, the GREEN Indicator Lamp will be illuminated. Should a power oriented incident occur in the freezer unit(s), the GREEN Indicator Lamp will be extinguished and the RED Indicator Lamp illuminated. The audible alarm bell will sound to alert Security persons to a change in power status to~~

~~West Gate Officer: Push IN the Silence button, located on the lower part of panel, to SILENCE the audible alarm. Verify following conditions. Initiate indicated actions~~

~~(a) RED Indicator Lamp remains illuminated: Power incident immediately call leasee refrigeration Maintenance Technician (during non-business hours) or ITO Corp. (during business~~

hours) Notify MSPA Maintenance Manager (during non-business hours) or MSPA Electrician MSPA Unit # 7 (during business hours)

(b) RED Indicator Lamp extinguishes and audible alarm is silenced Possible malfunction in system. Notify lessee refrigeration Maintenance Technician (during non-business hours) or ITO Corp. (during business hours) Notify MSPA Maintenance Manager (during non-business hours) e' MSPA Electrician, MSPA Unit # 7 (during business hours)

(c) RED Indicator Lamp illuminates, audible alarm sounds, accompanied by power fluctuation(s) and/or actual power outage at West Gate Immediately notify lessee refrigeration Maintenance Technician (during non-business hours) or ITO Corp (during business hours). Notify MSPA Maintenance Manager (during non-business hours) or MSPA Electrician, MSPA Unit # 7 (during business hours).

(d) Indications of a failure within the alarm monitor panel at West Gate will be immediately reported to MSPA Maintenance Manager (during non-business hours) MSPA Electrician, MSPA Unit # 7 (during business hours)

Note 1: In the event MSPA Maintenance Manager cannot be contacted, when required by this instruction an attempt will be made to contact either the Operations Manager, Dock Superintendent, or the Deputy Port Director for further instructions.

Note 2: In the event the freezer lessee's refrigeration Maintenance Technician cannot be contacted, contact the ITO Corporation Manager or ITO Ship's Superintendent.

Note 3: All suspected/potential power outages will be reported/treated as if a power incident had occurred.

Note 4: An Irregularity Report will be submitted on all incidents covered by II. B above, as outlined in Instruction # 307, this manual.

### **Section 323. REFRIGERATION COMPRESSOR; Alarm Notification (Shed 14 North).**

#### **GENERAL:**

The compressor units servicing the freezer units within Shed 14 North are equipped with an external, visual alarm system to alert passers by to a malfunction. The visual alarm consists of four RED indicator lamps and a manual test system. Each of the four indicator lamps represents a compressor unit. Under normal conditions these RED indicator lamps will be extinguished. However, the presence of an abnormality with one, or more, compressor(s) will result in the illumination of one, or more, indicator lamp(s). The MANUAL TEST button (RED) located below and centered on the row of indicator lamps provides a method of verifying the stand-by operation of the visual alarm system.

#### **PURPOSE:**

This Operating Procedure promulgates a procedure for the timely testing of the compressor alarm system and the notification/alerting of concerned agencies when an abnormality is detected.

#### **SCOPE:**

Because the alerting system is designed to indicate an abnormality in the compressor units themselves, and is incapable of monitoring conditions which may lead to compressor failure, the scope of this Instruction is limited to after the fact notification of an existing deficiency.

#### **APPLICABILITY:**

This Instruction is applicable to all MSPA Employees, the Contract Security Agency, the freezer lessee, and the lessee's contract maintenance.

#### **RESPONSIBILITIES:**

1. The MSPA Dock Superintendent, in concert with MSPA Managers and Supervisors, is responsible to ensure MSPA persons comply with this Instruction.

2. The Lessee is responsible to provide instructions to the contract maintenance agency with a copy to MSPA to be included as Attachment 1, this Instruction. The Lessee is also responsible to ensure the contract is familiar with and complies with this Instruction.

3. The Contract Chief of Security, in concert with Security Watch Supervisors, is responsible to ensure compliance with applicable portions of this Instruction.

**AUTHORITY:**

Item 154, Mississippi State Port Authority Tariff.

**DISCUSSION:**

1. The MSPA Maintenance Superintendent, in concert with the continued serviceability and operation of the compressor visual alarm system, and responds to all system malfunctions in a timely manner. All visual alarm systems discrepancies which cannot be resolved within the span of a normal work day will be immediately reported to the MSPA Dock Superintendent, and Security Supervisor if applicable.

2. Any MSPA Employee, regardless to work assignment, noticing an illuminated visual alarm indicator will report this condition to the Security Desk/Dispatcher immediately.

3. Neither the Lessee, nor the Lessee's Contract Maintenance Agency shall cause the Visual Alarm System to be disabled without the prior notification and consent of the MSPA Dock Superintendent, or representative.

4. The Contract Security Agency Chief of Security, through and in concert with Security Watch Supervisors will:

a. Perform a periodic test of the visual alarm system during the course of each shift to ensure the systems continued operation. This manual test is accomplished by momentarily depressing the RED button located below the row of indicator lamps and observing each lamp is illuminated until the button is released. Should an indicator lamp fail to illuminate, an abnormality, either in the alarm system or in the compressor units, exists and must be reported to the MSPA Maintenance Superintendent immediately.

b. Visually check the alarm panel during each patrol round of the West Pier. Should an Indicator Lamp be illuminated, report the condition to the Lessee's Contract Maintenance Agency immediately. If unable to contact the Lessee's Contract Maintenance Agency, notify an official in the ITO Corp. (See Attachment 2). In the event no one from ITO can be contacted, notify an MSPA official (See Attachment 3). Any decision to dispatch the MSPA Electrician in response to visual alarms is at the discretion of MSPA. (NOTE: In reporting Visual Alarms, the security supervisor will include any other indication/situation which may have contributed to the alarm. For example: A momentary disruption to power in Shed 14, effects the compressor operations and usually results in a visual alarm.)

c. ALL Compressor Alarms, and malfunctions of the alarm system itself, will be documented as an incident. Minimum information of these reports includes, but is not limited to: Time alarm was noted, Names and times of persons notified, corresponding conditions/situations which occurred and may have impacted the alarm, any specific instructions given, and time(s) responding persons reported to the West Pier. (NOTE: Under no circumstances is a member of the Contract Security Agency to attempt a reset/restart of the compressor units. Contract Security's responsibilities end with the notification phases of this instruction.)

**List of Attachments (1-3)**

1. ITO Corp. Notification Plan

~~2. MSPA Notification Plan~~

~~3. Alarm Quick Reference Chart~~

**Attachment 1: ITO Corp. Notification Plan**

The following persons are to be notified in the event of a Compressor Visual Alarm indication:

~~ITO Maintenance Agency~~

~~Office 863-1775~~

~~Beeper 868-8164~~

~~Home 832-5351~~

~~OR~~

~~ITO Manager~~

~~Office 868-1091~~

~~Home 863-1138~~

~~OR~~

~~ITO Ship's Superintendent~~

~~Office 868-1091~~

~~Home 255-1943~~

**Attachment 2: MSPA Notification Plan**

The following persons are to be notified in the event of a malfunction in the Compressor Visual Alarm System:

(NOTE: Unless otherwise instructed, only one person in this chain of notification need be contacted.)

~~MSPA Maintenance Manager 865-4318~~

~~Home 864-6583~~

~~MSPA Operations Manager 865-4317~~

~~Home 896-5423~~

~~Beeper 865-8128~~

~~MSPA Dock Superintendent 865-4315~~

~~Home 875-2832~~

~~MSPA Director of Operations 865-4300~~

~~Home 863-0443~~

Notification of the above person(s) in the event of a malfunction of the Visual Alarm System does not negate the need to notify the Lessee's representatives as shown in Attachment 1, this instruction.

**Attachment 3: Alarm Quick Reference Chart**

~~Display Table~~

**Section 324. GULFPORT DOCKSIDE CHILLER; Emergency Response Plan.**

**I. GENERAL**

Gulfport Dockside Chillers (hereafter called GDC) used the Department of Transportation emergency response guidebook and the local Civil Defense Office to establish its emergency plan.

**II. APPLICABILITY:**

In the event of an emergency, particularly a spill, GDC will immediately contact the emergency phone numbers listed below.

**III. RESPONSIBILITY:**

~~A. Mississippi State Port Authority Supervisory Persons will ensure their employees are cognizant of and conform with the applicable portions of this OI.~~

~~EMERGENCY PHONE NUMBERS:~~

~~Display Table~~

~~GDC's cooling system uses ammonia anhydrous, (liquified). Harrison county Civil Defense is covered with a hazardous response plan to handle emergencies with this product. A copy of the Harrison County Plan is attached and made a part hereof.~~

~~Based on the D.O.T. Emergency Response Guidebook, the emergency response plan for spills of leaks outlined below will be followed while awaiting the Civil Defense Team to arrive.~~

~~POTENTIAL HAZARDS:~~

~~HEALTH HAZARDS~~

~~Poisonous, may be fatal if inhaled or absorbed through skin. Contact may cause burn to skin and eyes. Contact may cause frostbite. Clothing frozen to the skin should be thawed before being removed. Runoff from fire control or dilution water may cause pollution.~~

~~FIRE OR EXPLOSIVES~~

~~Some of these materials may burn, but none of them ignites readily. Cylinders may explode in heat of fire.~~

~~EMERGENCY ACTION~~

~~Keep unnecessary people away, isolate hazard area and deny entry. Stay upwind, out of low areas, and ventilate closed spaces before entering. Positive pressure self-controlled breathing apparatus (SCBA) and chemical protective clothing which is specifically recommended by the shipper or manufacturer may be worn. It may provide little or no thermal protection. structural fire fighters protective clothing is not effective for these materials Isolate the leak or spill area immediately at least 150 feet in all directions.~~

~~FIRE~~

~~Small fires: Dry Chemical or CO2 Large fires: Water spray, fog or regular foam. Do not get water inside container. Move container from fire area if you can do it without risk. Apply cooling water to sides of containers that are exposed to flames until well after fire is out. Stay away from ends of tanks. Isolate area until gas has dispersed.~~

~~SPILL OR LEAK~~

~~Stop leak if you can do it without risk. Fully encapsulating, vapor protective clothing should be worn for spills and leaks with no fire. Use water spray to reduce vapor. Do not put water directly on leak or spill area.~~

~~Small spills: Flush area with flooding amounts of water.~~

~~Large spills: Dike for ahead of liquid spill for later disposal.~~

~~Do not get water inside container. Isolate area until gas has dispersed.~~

~~FIRST AID~~

~~Move victim to fresh air and call emergency medical care: If not breathing, give artificial respiration: if breathing is difficult, give oxygen. case of contact with material, immediately flush skin or eyes with running water for at least 15 minutes. Remove and isolate contaminated clothing and shoes on the site. Keep victim quite and maintain normal body temperature. Effects may be delayed: keep victim under observation.~~

~~A copy of the hazardous materials response standard operating procedure for Harrison County, Mississippi is filed with this Emergency Response Plan. Procedures listed will be followed under the direction of the Civil Defense.~~

~~Anhydrous ammonia (liquefied) is listed in the hazard class as: Acute Health, Chronic Health, Reactivity and pressure. Caution in dealing with this chemical shall be exercised to minimize the chance of health problems.~~

~~SUMMARY~~

~~EMERGENCY PLAN SUMMARY~~

~~Plant Name: Gulfport Dockside Chiller~~

~~Building 15, West Pier (Port of Gulfport)~~

~~Gulfport, MS 39502~~

~~COMMUNICATIONS:~~

~~Emergency Response Coordinator:~~

~~Ben Phillips~~

~~Plant Emergency Telephone Numbers:~~

~~Ben Phillips Office 867-2583 Home 831-2320~~

~~Cris Crochet Beeper 850-6408 Home 435-9628~~

~~Davis Refrigeration Office 863-9778 (Ray Davis) 861-7675~~

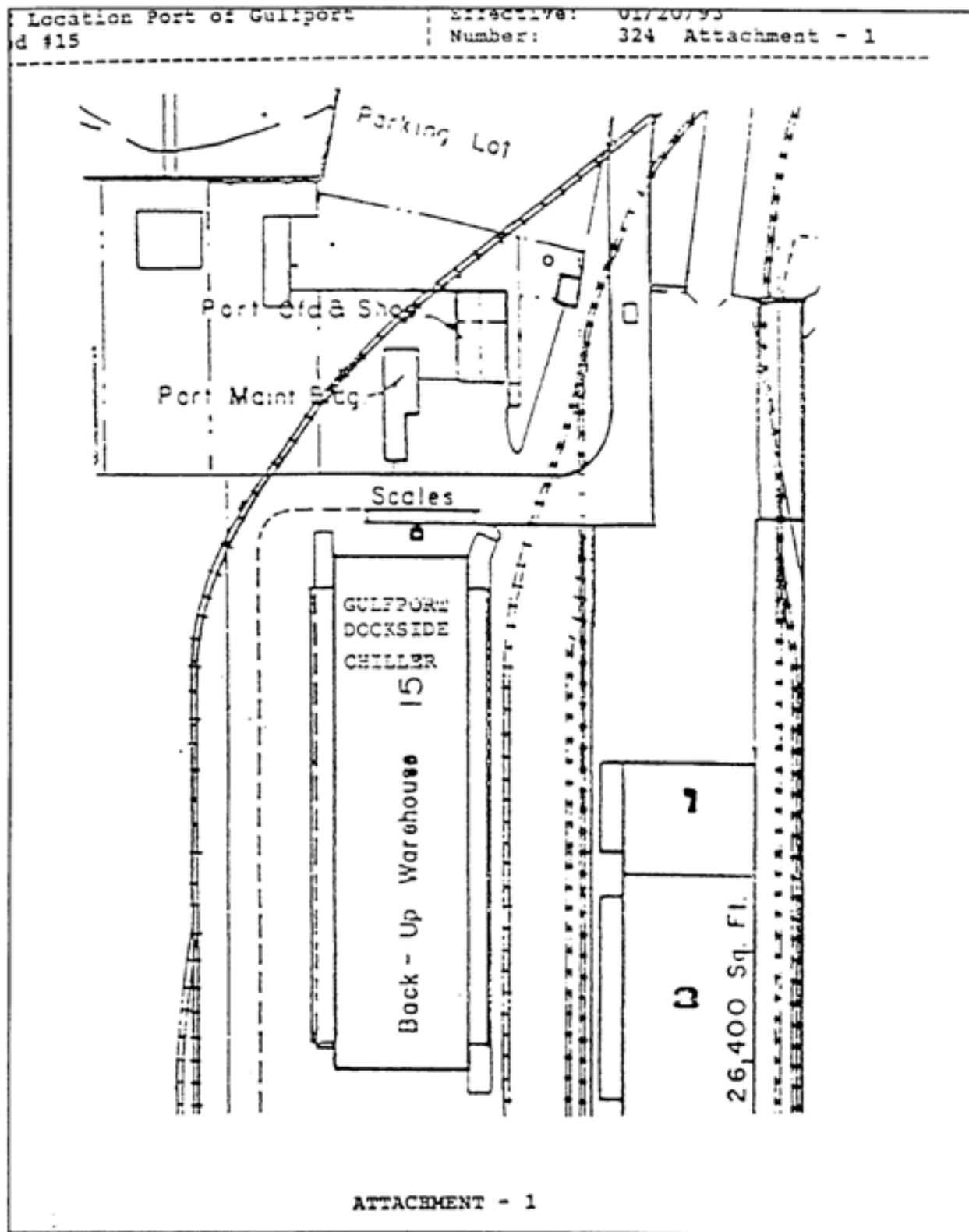
~~HAZARDOUS CHEMICALS ON PLANT IN EXCESS OF 10M POUNDS~~

~~Acute Chronic~~

~~Chemical Health Health Fire Reactivity Pressure~~

~~Anhydrous Ammonia X X X X (Liquified)~~





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**Section 325. Triple 'E' Truck Lanes.**

**I. GENERAL**

**A. Purpose:**

~~The New Orleans-based Triple 'E' Trucking Co. shuttles containers/chassis between the Ports of New Orleans, La. and Gulfport, Ms. during non-business, as well as business hours. These containers/chassis may be positioned either on the East Pier (Atch # 1a) or the West Pier (Atch # 1b), Mississippi State Port at Gulfport.~~

**B. SCOPE:**

~~This operation instruction defines responsibilities and outlines procedures to ensure security and accountability documentation of Triple 'E' container/chassis positioned on the Port of Gulfport, and is applicable to the Port Security Office.~~

**C. RESPONSIBILITY:**

~~The contract chief of security, working through and in concert with security watch supervisors, ensures total compliance with this OI.~~

**D. AUTHORITY:**

~~Schedule of Charges, Rules and Regulations for Terminal Services, Item 154 and 187.~~

**H. DISCUSSION**

~~A. Triple 'E' truck arriving at the State Port of Gulfport will be directed, by the East/West Gate Security persons, to the applicable area (Atch 1a or 1b), and informed the apparatus must be backed into position.~~

~~1. Incoming apparatus (chassis only).~~

~~a. The concerned gate guard will document the delivery as a line entry on the Daily Triple 'E' Transaction Log (Atch 2a & 2b).~~

~~2. Incoming apparatus (chassis w/container)~~

~~a. The concerned gate guard will document the delivery as a line entry on the Daily Triple 'E' Transaction Log (Atch 2a & 2b).~~

~~b. the concerned Gate guard will check the rear doors on the container to determine if a security seal is in place and complete the required entry on the Daily Triple Transaction Log.~~

~~3. Outgoing apparatus (chassis or chassis container)~~

~~a. The concerned gate guard will document the transaction as a line entry, on the Daily Triple 'E' Transaction Log (Atch 2a & 2b).~~

~~(NOTE: In all cases where apparatus is being removed from the port, the concerned security person documenting the transaction will enter the truck number as well as the truck line)~~

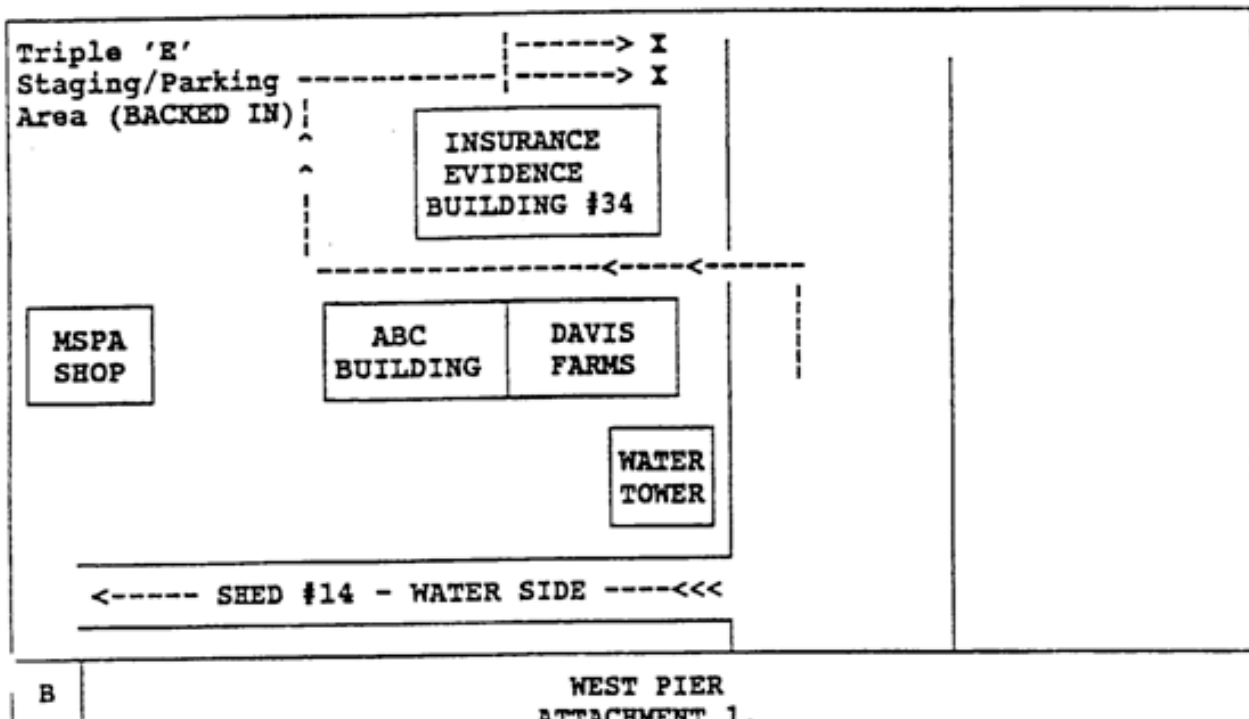
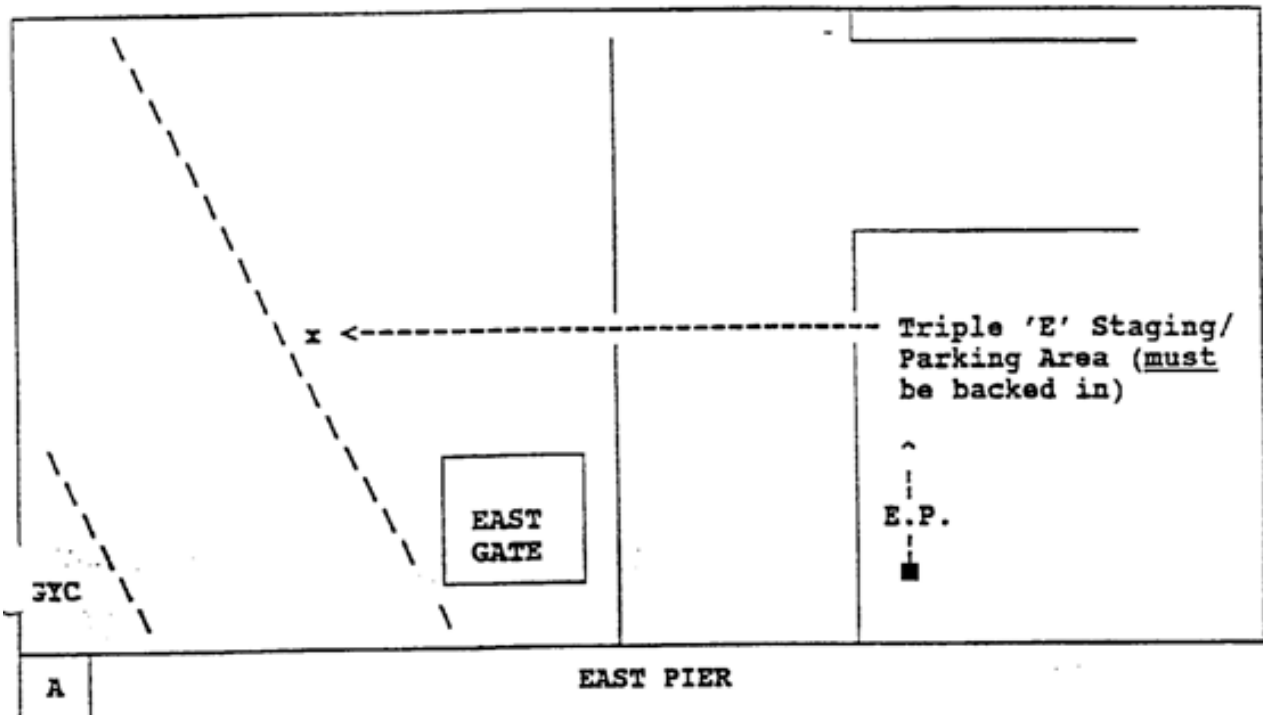
~~b. Apparatus being relocated between East and West Piers, or vice versa, will be treated as transactions and the applicable portions of paragraph IIA1 through IIA3 will be complied with.~~

~~List of Attachments~~

~~1. Triple 'E' Staging/Parking~~

~~2a. Daily Triple 'E' Transactions Log—Instructions~~

~~2b. Daily Triple 'E' Transactions Log—Sample~~



WEST PIER  
ATTACHMENT 1.  
TRIPLE 'E' STAGING/PARKING AREAS

Display Image

ATTACHMENT 2a. DAILY TRIPLE 'E' TRANSACTION LOG (Instructions)

~~Display Table~~

~~ATTACHMENT 2b. DAILY TRIPLE 'E' TRANSACTION LOG~~

~~Display Table~~

~~SAMPLE~~

**Section 412. Part 301 Chapter 29: Berth Assignment.**

**Rule 29.1 Berth Assignment.**

The Port Authority will assign berths, sheds and open storage areas on a fair and equitable basis, with due consideration for preferential assignment, leases and other existing agreements.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 29.2 Untimely Arrival.**

Failure to arrive as scheduled may result in vessel's loss of berth assignment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 29.3 Berth Application.**

No vessel shall enter or depart the Port of Gulfport until such time as the vessel has received authorization from the Port Authority. Vessels and/or their agents shall be held liable for the payment of all charges incurred by the vessel and its agent, including liability for the payment of all charges incurred by the vessel's cargo, disclosure of principals to the contrary notwithstanding.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 29.4 Berth Application Procedures.**

Any vessel desiring a berth at the Port of Gulfport shall, not less than 48 hours prior to the time of docking, make application in writing on the prescribed form through a licensed agent to the Port Authority for a berth assignment specifying the dates and estimated hours of arrival and sailing, and the nature and quantity of cargo, if any, to be handled. Applications for berth assignments are made by agents of the vessel. Requests made by agents acting for the owners, shippers or receivers of the cargo and performance of any service under this tariff constitutes an agreement by said agents, as the case may be, to be held separately bound and ultimately liable for the payment of all or any part of the charges incurred by the vessel and/or its owners or by the cargo and/or its owners, shippers or receivers, as their respective interests may appear. Application for berth assignment or other facility constitutes an agreement between the applicant and the Port Authority that all charges will be promptly paid upon presentation of invoice therefor, and that applicant will comply with all rules and regulations of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 29.5 Notification of Indemnity Coverage.**

As a part of its application for berth, the vessel, its owners or agents, shall advise the Port Authority of the Protection and Indemnity Association (P & I Club) which affords the vessel indemnity coverage as well as the name and telephone number of the nearest local legal representative thereof knowledgeable to such coverage.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 29.6 NOTE: Penalty for Noncompliance.**

A penalty charge, equal to the first day's dockage may be assessed against the agent, master and/or owner for any vessel, barge or other water craft that occupies a berth, and/or marginal track in shedded dock space, anchorage, open dock, mooring place, or any other facility in the port for which a berth application in writing has not been received by the Port Authority in advance of the vessel's arrival in port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 29.7 Temporary Berth.**

Temporary berthing may be assigned tugs, barges, crew boats, research vessels or any other vessel during emergency, inclement weather, or any other condition requiring such assignment. Immediately upon arrival the master, owner, or agent must file a formal application for berth assignment. All such vessels are subject to all applicable port rules, regulations and charges. Should such vessels not have a licensed agent, the Port Authority may, at its discretion, act as the vessel's temporary agent and assign an agent's fee in the amount of \$ 50 for each 30-day period of continued service for each unit (tow). All applicable charges shall be paid in full prior to departure of the vessel unless acceptable credit or bond is provided to the satisfaction of the Port Authority.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 29.8 Berthing During Nonbusiness Hours.**

The ~~Chief Captain~~ of Security/Security ~~Roving Patrol Watch Supervisor~~ on duty during nonbusiness hours, or at the direction of Port Authority, will, acting in concert with the Deputy Director of Operations ~~Port's Operations Manager~~, make temporary berthing assignments for unscheduled vessels entering the Port. In all such cases, the ~~Chief Captain~~ of Security/Security ~~Roving Patrol Watch Supervisor~~ will ensure a berthing application is completed by the ship's master/agent immediately upon arrival in the Port. All such berthing applications will be forwarded by the Port Security Department to the ~~Port's Operations Manager~~ Deputy Director of Operations the next business day. Under provisions of this requirement, the ~~Chief Captain~~ of Security/Security ~~Roving Patrol Watch Supervisor~~ will ensure Berthing Application includes

full address, including zip code and telephone number of the vessel's owner responsible for all Port berthing related charges and fees.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Section 413. Chapter 30: Cargo Space Application.**

**Rule 30.1 A. Assignment Application.**

Space in sheds and/or open storage will be assigned on receipt or written application, on prescribed Port Authority form, subject always to available space. Application for space should specify commodity, origin and/or destination, tonnage, date of cargo delivery, date of discharge and/or shipment, name of shipper or consignee, vessel, owner and agent.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 30.2 Maintenance of Space Assigned.**

Space assigned will be clean, free of any infestation and suitable in all respects to receive cargo, and acceptance of such space assignment without exception shall be considered an acknowledgement of such good condition and preclude any subsequent claim for damages. Following use, assigned space must be returned in like condition.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 30.3 MSPA's Right to Control or Assign Space.**

The facilities of the Port Authority are for storage, unloading, and/or handling of import, export, coastwise, intercoastal and local cargoes, and the Port Authority reserves the right to control and assign space in the Port terminals for the storage, loading, unloading and/or handling of all freight on and/or in these facilities.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 30.4 Unauthorized Use Penalty.**

A penalty assessment equal to the doubling of all applicable tariff charges shall be made against any agency, stevedoring firm or other user utilizing any Port facilities for the loading, unloading, handling, and/or storage of cargo without prior assignment by the Port Authority of the space being used.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 30.5 ~~+~~ Charges related to Cargo Storage.**

Sheddage, open dock, and/or marginal track use is a charge assessed against a specific

vessel, barge, or substitute, for providing warehouse, open area and/or marginal track space for the handling of inbound and/or outbound cargo.

- (a) ~~a. **Sheddage Charge at MSPA.** Contrary to practice at competing ports, no specific charge is assessed for sheddage. Rather, sheddage is included in the charge for dockage.~~

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 30.6 2: Covered Cargo Sheds.**

Covered cargo sheds, immediately adjacent to wharves and aprons, are intended to directly serve vessels. ~~3.~~ Covered sheds located a short distance away from wharves and aprons are primarily used for cargo assembly, processing and distribution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Section 414. Part 301 Chapter 31: Shed Assignment.**

**Rule 31.1 A: Assignment.**

Generally Upon receipt of Application for Cargo Space Assignment Form, space will be assigned subject to space available, commodity, tonnage, date of receipt of cargo and date of departure of cargo.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 31.2 B: Inspection of Shed by Project Manager.**

Upon assignment of cargo space the ~~Operations Manager~~ Deputy Director of Operations or his/her designated representative will inspect the shed to ~~insure~~ ensure it is clean and free of infestation.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 31.3 4: Cleaning Sheds.**

As needed, sheds will be washed clean. ~~2.~~ Upon washing and if type cargo requires, the ~~Operations Manager~~ Deputy Director of Operations or his/her designated representative will call in the contract pest control company to inspect and treat shed as needed. The cost of the inspection and treatment will be passed on to the stevedore making application.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 31.4 3: Post-Cleaning Inspection.**

After cleaning, inspecting and treating is complete the Deputy Director of Operations or his/her designated representative ~~Operation Manager~~ will, in the company of the Stevedore, make a joint inspection of the shed. The Stevedore making application shall receive copies of both warehouse inspection form and the Certification of Inspection and Warehouse Condition. The originals of these forms shall be kept on file by the Deputy Director of Operations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 31.5 4: Shed Inspection Form.**

When it is determined that the shed meets the needs and requirements, a Shed Inspection Form will be completed and signed by both the ~~Operations Manager~~ Deputy Director of Operations or his/her designated representative and the stevedore representative

The Shed Inspection Form will include, in addition to cleanliness, the fire station conditions, the doors, both roll-up and personnel, condition and any other pertinent information.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 31.6 5: Inspection Upon Completion of Space Requirement.**

When space requirement is completed the Operations Manager and the stevedore representative will again jointly inspect the space.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 31.7 Cost of Cleaning Billed to Stevedore.**

The stevedore will be billed for any cleaning needed and/or damage noted during this inspection. Both the ~~Operations Manager~~ Deputy Director of Operations or his/her designated representative and the stevedore representative will sign the Shed Inspection Form terminating the space assignment.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Section 415. Linehandlers.**

##### **I. General:**

~~A. Linehandlers shall be full time M.S.P.A. employees that volunteer to work as linehandlers during hours other than normal 1 work hours.~~

~~(1) Requirements to become a linehandler are — must have own transportation, phone number, and willing to work any hours between 1700 and 0800 weekdays and all incurs weekends and holidays.~~

~~(2) Linehandlers will be assigned on a rotation basis.~~

~~(3) Linehandlers will be paid a two (2) hour call out or time on the clock, whichever is longer.~~



(4) When linehandlers are on the clock they will perform any and all duties as needed. These duties need not be directly related to ships/barges, mooring or unmooring.

(5) Linehandlers are required to be on the port at the vessel's berth fifteen (15) minutes prior to the vessel's scheduled movement. Any linehandler that is late for a vessel movement will not be paid the call out.

(6) When unmooring a vessel all linehandlers will remain on the dock at the vessel's berth until the vessel clears the harbor and enters the ship channel.

(7) It is the responsibility of all linehandlers to help in the mooring of the vessel. If the linehandlers at one end of the vessel complete their mooring tasks they will immediately go to the other end and assist those linehandlers if their mooring tasks are not completed.

(8) The senior linehandler will be in charge! The senior linehandler will decide which linehandlers will work either forward or aft on the vessel.

(9) The senior linehandler will be responsible for the safety of the linehandlers mooring and/or unmooring a vessel.

(10) The senior linehandler will report any unusual happenings to the Dock Master. (In writing if required, and statements from the linehandlers.) This is to include any noise that would indicate a pile or timber being broken.

(11) Linehandlers are required to wear life jackets while mooring and unmooring vessels. Life jackets will be checked out and written into the linehandlers log by number.

(12) Senior linehandlers will observe the position of the gantry crane in perspective to the ship docking assignment. If the gantry crane needs to be moved for safety and has not, insure that the security sergeant notifies the Operations Manager, the Bulk Handling Manager, the Maintenance Manager or the Dock Superintendent, so arrangements can be made to move the crane. Under NO circumstances will linehandlers move gantry cranes unless trained and authorized to do so as a part of the linehandler's regular duties.

(13) In the case of a vessel being unmoored and the gantry crane has not been moved for the safety of the crane and/or the vessel, the linehandlers will not unmoor the vessel until such time as the crane has been moved clear TV the Bulk Handling Crew.

#### **Section 420. Ground Rules for Crane Allocation.**

##### **ITEM # 1 CONTAINER CRANES:**

Container cranes will be allocated on the basis of advanced notice provided by agents and/or stevedores of vessels wishing to discharge or load containers over Berths "J" or "K". Both cranes will be a, located to a vessel at Berths "J" or "K" and will remain with that vessel until completion of operations. However, if another vessel requires one of these cranes at the other berth it shall be withdrawn.

##### **ITEM # 2 CRANE AND CATENARY RENTAL CHARGES:**

Rental charges for use of cranes and catenary assigned to vessels under the provisions of Item # 1 of these rules shall be those currently published in Terminal Tariff No.3, supplements thereto or reissues thereof as applicable.

##### **ITEM # 3 IMPLEMENTATION:**

The party desiring the use of crane(s) is obligated to establish a clear understanding and concurrence as to allocation of crane(s) with any other interested party on record prior to placing their order with the M.S.P.A. If for any reason circumstance arise that are not covered in the foregoing rules and if the agents and/or stevedores cannot reach a mutual agreement, the M.S.P.A. will enter into arbitration and its decision is final.

#### **Section 422. Crane Operations During Adverse Wind Weather Conditions.**

## ~~I. GENERAL~~

### ~~A. Purpose~~

~~The purpose of this instruction is to establish guidelines for operation or removing a crane from service of M.S.P.A. cranes~~

### ~~B. Scope~~

~~This instruction will define wind conditions, establish alert codes and describe specific guidelines for the operation or shut down of M.S.P.A. cranes during severe wind alerts or high wind conditions~~

### ~~C. Application~~

~~This instruction will apply to all M.S.P.A. crane operations at Gulfport.~~

### ~~D. Responsibility~~

~~1. M.S.P.A. Employees—It is the responsibility of all Bulk Handling employees to be totally familiar with this instruction and insure that it is followed.~~

~~2. Renters & Users—Those persons who represent users or renters of the cranes for discharging and/or loading operations at the M.S.P.A. facilities should be familiar with this instruction. These representatives include steamship lines, vessel agents, or stevedore employees who are responsible for cranes under their hire. All must adhere to the direction of the M.S.P.A. Bulk Handling Manager or his designee concerning use of the cranes during adverse wind conditions.~~

### ~~E. Authority~~

~~Under the conditions described below, either prevailing winds, wind alerts, or sudden high winds, the Bulk Handling Manager or his designee has the authority to stop the operation of any or all cranes at this facility. Any crane operator under conditions requiring quick reaction has the authority to cease operations on his assigned crane.~~

### ~~F. Equipment~~

~~1. All M.S.P.A. cranes are equipped with a wind indicator. A device with an alarm will be located at the crane.~~

~~2. The wind alarm will be set at 38 mph on # 2 crane and 50 mph on # 1 crane.~~

~~3. The first audio alarm sounds at 35 mph.~~

### ~~G. All Clear~~

~~1. The Bulk Handling Manager or his designee shall be responsible for giving the all clear signal.~~

~~2. When "Wind Condition 4" is implemented, the Bulk Handling Manager or his designee will not give an all clear order until at least 5 minutes has elapsed.~~

~~3. Based on advisory information received from weather sources and monitoring of the anemometers, the Bulk Handling Manager or his designee will issue an all clear if winds subside to less than 30 mph for 10 consecutive minutes.~~

~~4. Should gusty wind conditions prevail sporadically above 38 mph, it will be the responsibility of the crane operator to assess the situation and report on all known factors to the Bulk Handling Manager or his designee. A determination to return to work or not will be made by the contacted person.~~

## ~~H. DISCUSSION~~

### ~~A. General~~

~~1. Prior to physically operating any crane, all M.S.P.A. crane operators must check the following items:~~

~~a. Operation of all braking systems~~

- b. Operation of anemometers
- c. Operation of radio communications
- 2. Any discrepancies are to be reported immediately to the senior M.S.P.A. maintenance personnel who will notify the Bulk Handling Manager
- B. Wind Velocity and Alert Code
  - 1. Wind velocity 0-25 mph—Wind Condition 1.
  - 2. Wind veracity 26-.0 mph—Wind Condition 2.
  - 3. Wind velocity 31-34 mph.—Wind Condition 3.
  - 4. Wind velocity 38 mph—Wind Condition 4.
- C. Action
  - 1. Wind Condition 1—Crane operations will continue as normal.
  - 2. Wind Condition 2—Crane operations will continue with special attention, caution, and careful observations of wind conditions.
  - 3. Wind Condition 3—All crane operations will continue under extreme precautions. Particular attention to umbilical cords and any difficulties experienced by the operators should be observed and corrective action taken as necessary.
  - 4. Wind Condition 4—All crane operations will stop.
    - a) Travel the gantry to the stowage areas.
    - b) Position the gantry in the exact spot for ground personnel to manually engage the stowage pins and storm tie downs.
    - c) Position the trolley at its stowed position.
    - d) Lower lifting beam at least 25 feet below the operator's cab.
    - e) Return all master switches to the "OFF" position.
    - f) Press hydraulic pump "STOP" push but on.
    - g) Turn off cab auxiliary circuits
    - h) Turn control power off.
    - i) Raise boom to stowage position.
    - j) Turn off all control power in the machinery house.
    - k) Turn off all floodlights (if on).
    - l) Engage hurricane tie downs and stowage pins.
- D. Procedures
  - a. The Bulk Handling Manager or his assistant will monitor and insure that the anemometer is working properly during normal working hours.
  - b. The Bulk Handling Manager shall insure that the weather broadcasts are properly monitored.
  - c. The Bulk Handling Manager or his designee will stay in contact with the Port's security force for any information they have received from outside sources.
  - d. In case of severe weather, the Bulk Handling Manager or his designee will keep the Dock Superintendent informed about status of cranes.
  - e. At the beginning or each shift, Bulk Handling crewmen will insure that all safety devices are fully operational.
- 2. Prevailing wind conditions reading 26 mph and 35 mph (Conditions 2 & 3)
  - a. When wind conditions reach and prevail between 26 mph and 35 mph (Conditions 2 & 3)
    - (1) The Bulk Handling Manager or his designee will:
      - (a) Monitor all available weather data sources.
      - (b) Monitor crane anemometer.

(c) ~~Maintain constant radio contact with all cranes in operation.~~

(2) ~~In the event that prevailing winds reach 38 mph:~~

(a) ~~The Bulk Handling Manager or his designee will broadcast that all cranes cease operating and cranes be secured in place.~~

(b) ~~The Bulk Handling Manager or his designee will inspect the securing of all cranes.~~

(c) ~~The Bulk Handling Manager or his designee will return to the Bulk Handling office and continue monitoring the weather.~~

(3) ~~Wind reduced below 35 mph:~~

(a) ~~The Bulk Handling Manager or his designee will give all clear as per Section 1, Paragraph G.~~

(b) ~~Insure that all cranes necessary return to work.~~

b. ~~All crane operators will insure that they maintain a constant vigil of weather and wind conditions. Forecasted severe weather conditions dictate measures covered under the current Hurricane Procedures.~~

e. ~~Hurricane Preparedness Gantry # 2~~

(a) ~~Lower boom and attach two tie down cables to the come' box pad eyes on the container spreader. Position trolley and container spreader in normal stowage position. RAISE BOOM NOW!!~~

(b) ~~The TROLLEY must be secured to the trolley girder with cable.~~

(c) ~~The TROLLEY FESTOON CABLE must be pulled to the West end of its track and tied off. Secure to hand rails~~

(d) ~~Secure the two cables on container spreader to the cad eyes on the land side sill beam with two turn buckles~~

(e) ~~TURN BUCKLES located at each of the four tie down points MUST be tight.~~

(f) ~~Tie off CABLE REEL to hand rail.~~

d. ~~Hurricane Preparedness Gantry # 1~~

(a) ~~TURN BUCKLES located at each of the four tie down points MUST be tight.~~

(b) ~~The PENDANT FESTOON cable must be pulled to the West end of its track and tied off securely to the handrail~~

(c) ~~The TROLLEY FESTOON cable is same as PENDANT FESTOON cable.~~

(d) ~~The TROLLEY must be "in" all the way to the West. The trolley must then be secured WITH cable to the trolley girder.~~

(e) ~~The MAN HOIST must be in hoist up MAX. PLUS hoist OVERRIDE.~~

(f) ~~Tie off CABLE REEL to hand rail.~~

(g) ~~CATENARY CONVEYORS must be secured in their stand with turnbuckle in place and both conveyors bound together.~~

(h) ~~ALL ELECTRIC MOTORS in Catenary power unit MUST be covered with plastic.~~

(i) ~~CATENARY MUST be secured to stand with a cable and binder.~~

**III. NON WORK CONDITIONS**

A. ~~At the end of daily operations, cranes will be returned to their tie down stations and secured. The booms will be placed in the stowed position.~~

B. ~~If operations are stopped temporarily, (i.e. meal break or shift change), cranes shall be secured in place by application of all braking systems.~~

C. ~~The Bulk Handling Manager or his designee will inspect the securing of all cranes after the above conditions.~~

**Section 423. Responsibilities of the Bulk Handling Manager.**

In the absence of a Dock Superintendent and Bulk Handling Manager, the next experienced senior Bulk Handling personnel will be in charge of maintenance and the crane personnel.

The Bulk Handling Manager or his supervisor has the authority to:

1. Accept and satisfy requests in accordance with Gantry Crane ground rules and will communicate directly with stevedore superintendents
2. Communicate directly with the Operations Office regarding information as to crane assignments, movements, and locations, as well as accept and satisfy terminal operational requirements between "rented" crane assignments.
3. Prevent unsafe use of cranes. He shall instruct his Bulk Handling personnel to stop cranes whenever overloading is indicated, when signs of weakness in structure, rigging, or a potential malfunction becomes evident and whenever safe travel is obstructed or when gantries are or may be abused by physical or potential contact with cargo ships, other equipment, or materials. He shall also assure himself that idle cranes are safely "dogged down" and be alert to potential wind hazards, stopping operation and securing cranes as may be indicated, including dogging down during meal hours when advisable.
4. Supervise routine maintenance and repairs within the capabilities of available personnel and maintain established maintenance records, as well as "certification" records and certificates covering replacement of old gear with new.
5. Assign personnel to maintain cranes or to perform other services within their capabilities elsewhere whenever they cannot be productively assigned to crane work.
6. Withdraw parts and materials out of inventory and cause requestioning of parts and materials. He will maintain inventory levels, sources of supply, and anticipated changes.
7. Utilize the truck to the best advantage in pursuing his or his personnel's responsibilities on the premises. Off terminal or out of town use requires the authorization of the Dock Superintendent except when used to pick up or deliver parts locally.
8. Process time cards in accordance with the present practice or revisions thereof as may occur in the future.

#### **Section 424. Safe Crane Movement.**

**POLICY:** Crane movement to prevent damage or catastrophe when vessels docking (and undocking) at the Mississippi State Port Authority, the M.S.P.A. cranes will be moved to a safe location which a vessels docking. The crane may return to its tie-down area, if not working after the vessel has been docked. The basic safety moves are to relocate the crane(s) away from the bow and stern of the docking vessel. When crane movement fore and/or aft of the docking vessel is blocked or not practical, the docking pilots prefer to have the crane(s) located amid ships.

At the request of the Gulfport Pilots Association, No. 2 Gantry must now be repositioned prior to a vessel docking in Berths "J" and "X". The pilots advise that in addition to the one actual contact, there have been a number of near misses. In order to reduce the risk the gantry must be moved north or south.

The following guidelines would apply:

1. the minimum acceptable clearance can be obtained by moving at least 300' north or moving south to No. 1 Gantry
2. The preferred direction is north.
3. The crane must be moved prior to vessel beginning to make way toward the dock from the Harbor Basin.
4. During normal working hours or during pre-rental checkout, gantry will be moved by the crew assigned for the vessel to be worked.

5. If a vessel is to arrive outside normal working hours and will not begin discharge within 2 hours of arrival, No. 2 Gantry may be moved to north or south stowage location during normal working hours and be left with stowage pins in pin pockets, WEATHER PERMITTING

6. When No. 2 Gantry is stowed as described in paragraph 5 above, a specific named individual must be designated to monitor weather and to be on call in case of sudden weather change that would indicate need to move crane to center tie downs (turnbuckles).

7. All overtime expended for above must be reported to Operations Manager. In lieu of the above, a man will be called in at same time as linehandlers, move the crane for docking, restow crane in its normal position and secure. In this case, a linehandler could assist with turnbuckles and only one qualified person from Bulk Handling would be required. One man will operate the movement of the crane and the other man will ensure tracks are clear and safe to travel.

#### **Section 426. Loading of Ore Cars Bulk handling Facility.**

##### **I. GENERAL**

##### **A. Purpose**

The purpose of this instruction is to describe the loading of ore cars at Bulk Handling.

##### **B. Scope**

Is to provide the user/lessee with dry storage and rail car loading capability. Both are subject to lease agreements as required in the Terminal Tariff of the M.S.P.A. and other agreements.

##### **C. Responsibility**

It is the responsibility of the M.S.P.A. Bulk Handling personnel to operate the rail car loader and trackmobile or car puller. The stevedore ensures rail cars are opened on top and closed on the bottom and again closed on the top after ffling. Also, the stevedore ensures rail car loading from car by use of a remote pendant box.

#### **Section 430. Fumigation.**

Upon receipt of Application for Cargo Space Assignment the Operations Manager shall review the application and determine if the cargo is of the type that could be subject to insect infestation. If it is determined that the cargo for which application has been made for is in fact subject to insect infestation, the assigned shed shall be cleaned and washed. Upon completion of cleaning and washing the Operations Manager shall then call the pest control contractor for a joint inspection of the assigned space. The joint inspection will be mace with the Operations Manager and the pest control contractor inspector present and a warehouse inspection form will be completed by the pest control contractor. If this inspection reveals that treatment of the assigned space is needed the Operations Manager will then authorize the pest control contractor to treat as needed. Upon completion of treatment the pest control contractor shall then issue a certificate of inspection and warehouse condition that states the assigned space is in a suitable condition for receiving and storing the cargo that application has been made for. The cost of the inspection and treatment will be passed on to the stevedore making application. The stevedore making application shall receive copies of both warehouse inspection form and the Certification of Inspection and Warehouse Condition. The originals of these forms shall be kept on file by the Operations Manager.

#### **Section 444. Wheel Chocks.**

Safety wheel chocks will be put in front of the rear wheels of any truck trailer or truck and trailer that is backed up to a dock to be loaded or unloaded by a fork lift, or any other type industrial power truck.

All fork lifts being used to reach work areas by personnel working off of a cage will have the drive wheels chocked on the front and rear of the wheels to prevent accidental moving or fork lift.

#### **~~Section 460. Emergency First Response Team.~~**

~~There shall be an emergency First Response Team that shall have the responsibility of responding to any emergency within the bounds of the Port Authority. The Emergency First Response Team shall be structured to include the following personnel:~~

~~Display Table~~

~~When a fire alarm or other emergency is sounded the Emergency First Response Team and the Executive Director and/or Deputy Director will be notified. The emergency First Response Team will go at once to the location of the emergency and will determine the nature of the emergency and take any action necessary to bring the emergency under control or containment, until such time that other agencies arrive and take command of the incident.~~

#### **~~Section 470. Emergency and Unauthorized Ship to Dock Hose Connections.~~**

~~Normally, requests for potable water aboard ship originate from the Ship's Agent through the M.S.P.A. Operations Office, after which hoses with meters are provided and read. Information will be provided to security whenever a proper order to provide water to vessels is received.~~

~~Occasionally, safety considerations, U.S. Coast Guard requirements, and the ready availability of valve pit connections will result in the ship's own hoses being connected to our potable or fire water connections by the ship's crew without the benefit of meters.~~

~~All fresh water hoses are clearly marked with blue. When unauthorized connections are noted, security will determine the following information to the best of their ability:~~

~~1. Is there an emergency or preventive requirement? If not, the water is turned off until the Ship's Agent makes an attempt to have meters installed and read~~

~~2. Are full pressed hoses flowing or are they shut off aboard the ship, ready, for instant availability?~~

~~3. If flowing, is the water going into the ship's tanks or overboard? The mate or a crew member may give this information upon request.~~

~~4. Log the number of hoses and the time when deck pit valves were turned on, and off.~~

~~5. Contact appropriate ship agent and M.S.P.A.. Operations Manager. Water usage will be estimated and the ship will be billed for that amount.~~

#### **~~Section 471. Lighting in Transit Sheds, Storage Warehouses and Platforms.~~**

~~Effectively immediately the following rules will apply to lighting the above areas:~~

~~1. Warehouse lights will be turned on by user as needed. The lights will be secured by the Port's electrician or the security personnel when no longer needed.~~

~~2. Open storage area lights will be turned on and off by , M. S. P. A. electrician or other qualified Port employees.~~

#### **~~Section 473. Hot Works Permits.~~**

~~The following personnel are authorized to request Hot Work Permit:~~

~~Dock Superintendent~~

~~Bulk Handling Manager~~

~~Operations Manager~~

~~Security Officer Supervisor~~

~~Maintenance Manager~~

~~Tool Room/Weighmaster~~

~~Harbor Master~~

The persons or organizations requiring hot work will abide by all the rules and safe practices listed on the permit. The Port will keep a Hot Works Log at the wharf of office of every permit granted.

**Section 475. Part 301 Chapter 32. Overseas Waste/Garbage.**

**1. DEFINITION AND SCOPE**

**Rule 32.1 A. Definitions.**

"Garbage", as regulated by the terms of this agreement, is defined as "all waste material derived in whole or in part from fruits, vegetables, meats or other plant or animal (including poultry); material and other refuse of any character whatsoever that has been associated with any such material onboard any means of conveyance and including food scraps, table refuse, galley - food wrappers or packaging materials and other waste material from stores, food preparation areas, passenger's or crew's quarters, dining rooms, or any other areas on vessels or other means of conveyance."

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 32.2 B. Approved Providers of Service.**

In accordance with the International Convention for the Prevention of Pollution from ships. MARPOL 73/78 Annex V effective December 31. 1988. The Port of Gulfport has approved the following companies for collection and disposal of domestic and foreign garbage generated by vessels.

Dockside Services  
500 Beauregard Street  
Mobile, Alabama 36603  
Phone: (251) 438-2362

Waste Management of Mississippi Inc.  
P.O. Box 3869  
Gulfport, MS 39509  
Phone (601) 832-3144  
Browning-Ferris Industries  
P.O. Box 550  
Ocean Springs MS 39564  
Phone (800) 443-6562  
(601) 392-5108

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 32.3 Policy Reviewed Annually.**

This agreement will be amended as needed to keep it current with revisions of quarantine



requirements and shall be reviewed at least once annually.

## **2. HANDLING PROCEDURES**

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.4 A. Plant Protection and Quarantine Officer.**

The waste disposal company that is contracted to manipulate, handle, or store regulated garbage in a manner approved by the local Plant Protection and Quarantine (PPQ) Officer (Paul Smallwood) and in a designated area before disposal.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.5 Storage of Garbage.**

{Storage of regulated garbage in plastic bags must be inside a closed building; if outside, must be in sealed plastic bags in a container with a tight fitting lid.}

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.6 Transport of Garbage.**

The waste disposal company transports regulated garbage directly from the USDA APHIS approved storage container or vessel to the disposal facility in closed leakproof containers without diversion. Regulated garbage incinerated to ash.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.7 Approved Disposal Facility.**

~~Approved disposal facility is ENERGY RECOVERY SYSTEMS, located at 5736 Elderferry Road, Moss Point, MS 39562. Dumping will be directly into pit with no dumping onto floor.~~ Dockside Services is an approved handler by the U.S.D.A. to properly remove, process and dispose of regulated and non-regulated waste.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.8 B. Recordkeeping of Disposal Company.**

The contracted waste disposal company will maintain a log which will include the disposal date and quantity (weight) of the garbage. This log will be made available to PPQ upon request.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.9 C. Reporting and Cleaning Spillage.**

PPQ Officer will be notified of any spillage. Cleaning and disinfecting will be accomplished immediately. A PPQ Officer can be reached at ~~(601) 863-5154~~ 24 (228) 822-3102 twenty-four hours a day.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 32.10 D. Misappropriation Prohibited.**

The contracted waste disposal company will be responsible for foreign food waste in its possession and will not permit misappropriation of any food items.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 32.11 E. Identification of Foreign Garbage.**

The contracted waste disposal company will use identifiable containers for foreign garbage. Rigid containers shall be lettered with the words "FOREIGN GARBAGE" or a similar acceptable phrase. Letters shall be at least 2 inches high on indoor containers and 4 inches high on outdoor containers.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 32.12 F. Using a Truck/Container for Purposes Other Than Hauling Foreign Garbage.**

The truck/container to be used for a purpose other than hauling foreign garbage must have markings obliterated and be cleaned and disinfected under PPQ supervision prior to such use.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 32.13 G. Regulated Garbage Kept Separate.** All regulated garbage is to be kept completely separate from domestic garbage.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 32.14 NOTICE: Penalty of Noncompliance.**

This agreement may be immediately cancelled or revoked for ~~discompliance~~ noncompliance or violation of the Federal regulations and may ~~can~~ result in a criminal penalty of up to a \$ 5,000 fine and a year in jail, or both, or a civil penalty of up to \$ 1,000 per violation.

**III. TRAINING**

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 32.15 A. Training Program Required.**

The companies that are approved by the Port Authority for collection and disposal of regulated garbage shall present a training program to all employees before they are permitted to handle and supervise the handling of regulated garbage.

- A.       ~~B.~~ The training must be approved by the local PPQ Officer in charge.
- B.       ~~C.~~ The training must:
  - 1.       ~~1.~~ Define regulated garbage.
  - 2.       ~~2.~~ Explain garbage regulations and their purpose.
  - 3.       ~~3.~~ Include films, slides, or other training aids on foreign animal, plant pests, and diseases.
  - 4.       ~~4.~~ Specifically outline step-by-step handling procedures for regulated garbage.
  - 5.       Be prepared in English and other appropriate languages.

**IV.    DISINFECTANTS:**

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 32.16 Use of Disinfectants.**

~~A.~~ Disinfectants should be in accordance with the following guidelines:

- A.       4 percent sodium carbonate solution (soda ash).
- B.       The diluted solution is only mildly caustic but will dull paint and varnished surfaces. Mix in proportion of 40 grams per liter of water. (1.4 oz. per quart) 160 grams per 4 liters (5.33 oz. per gallon)
- C.       ~~B.~~ 1" Stroke Environ"
- D.       Mix 4 ml. per liter of water 1/2 oz/per gallon). Apply to point of runoff.~~NOTE:~~ Surface should be free of dirt, grease, etc. before application. Solution is known to be harmful to aircraft. (1"~~2~~" Stroke Environ" is produced by Vestrel Laboratories Div. of Chemed Corp., St. Louis, MO 63110)

**PROVISIONS:**

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.17 Removal of Garbage.**

Garbage may be removed from the vessel under these provisions:

- A. ~~1.~~ All garbage must be placed in double heavy duty, leak proof plastic bags.
- B. ~~2.~~ Garbage can only be removed from the vessel under direct supervision of a USDA Officer and a representative of the Port.
- C. ~~3.~~ Garbage must be placed in a special USDA approved, container marked "FOREIGN GARBAGE". This container will remain locked except when garbage is being removed from the vessel.
- D. ~~4.~~ The garbage will be transported by a USDA approved firm for immediate incineration.
- E. ~~5.~~ Unauthorized removal of garbage will result in a fine of not less than \$ 500.00.
- F. Encl:
  - 1. ~~(1)~~ USDA Maritime Garbage Controlling Regulations
  - 2. ~~(2)~~ Compliance Agreement: ~~Waste Management of Mississippi, Inc.~~ Dockside Services, Inc.
  - 3. ~~(3)~~ Compliance Agreement: Browning-Ferris Industries
  - 4. ~~(4)~~ Provisions Letter from USDA PPQ to Vessel
  - 5. ~~(5)~~ U.S. Naval Vessel Garbage Handling Agreement

### **V. ~~U.S. NAVAL VESSELS~~**

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 32.18 U.S. Navy Vessels.**

Recent Veterinary Medical Officer port reviews have indicated the need to restate garbage safeguarding policy for U.S. Navy vessels returning to the U.S. from foreign ports.

- A. U.S. Navy policy is that no foreign origin meats, produce, or milk products will remain aboard any ship returning to a U.S. continental, territorial or offshore U.S. port. "Foreign origin" does not include U.S. origin frozen or canned products issued to a ship from a U.S. overseas military depot or U.S.

underway replenishment.

- B. ~~1.~~ If the boarding officer finds foreign stores, the vessel will be handled exactly like a commercial vessel with respect to garbage safeguarding.
- C. ~~2.~~ If no foreign stores are found by the boarding officer, the first offloading of garbage must be sterilized or incinerated. This will include, in addition to any garbage on board the vessel at docking, all garbage produced during the first 24 hours in port. Vessels which dock with no garbage will be handled exactly like vessels docking with garbage on board. Garbage generated subsequent to the above stated first offloading will be handled the same as domestic garbage.
- D. Plan Protection and Quarantine policy relative to military vessel boarding is being incorporated into the shipboarding guidelines (M390.340).

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Section 480. Part 301 Chapter 33. Foreign Trade Zone.**

**Rule 33.1 Location.**

The Foreign Trade Zone (FTZ) of the Port of Gulfport, FTZ No. 92, is located ~~in Shed 15 on the West Pier~~ at the entire Mississippi State Port Authority at Gulfport. The Foreign Trade Zone is a U.S. Customs controlled facility in which certain imported products can be stored, processed and repackaged, or assembled with U.S. goods without being subject to customs duties until leaving the zone.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

~~**Operation of FTZ.** FTZ No. 92 is operated by Hayes/Dockside, Inc. under an agreement with the Port and the Greater Gulfport/Biloxi Foreign Trade Zone, Inc. For additional information contact the Marketing Department Local Contact: (601) 897-4904 and/or New Orleans Contact: (504) 868-8268.~~

**Section 485. Part 301 Chapter 34. Deep Draft Vessels.**

**Rule 34.1 Deep Draft Vessels.**

On a case-by-case basis the Executive Director may grant use of the Gulfport Harbor and Ship Channel to vessels with drafts greater than 30 feet, but not exceeding ~~32~~ thirty-six (36) feet, upon a written request of the master, owner and/or agent of the vessel and upon the written recommendation of the Pilots licensed by this Port Authority that such usage is not reasonably expected to impair use of the Harbor or Ship Channel by said vessel or any other vessel. In making such recommendation, the Pilots are to use their best discretion, considering anticipated tides, winds and other factors prevailing at the time. In doing so, the master owner and/or agent

shall ~~express—overan;~~ covenant and express in writing not to assert liability against the Port Authority and the Pilots and to defend and ~~indemnity~~ indemnify the Port Authority and the Pilots from any and all damages arising from or connected with such use and expressly agree to cure any impediment to the continued safe use of the Harbor and Channel by other vessels that may be caused by said vessel. Again, this is not an open policy. It is on a case-by-case basis. M:S:P-A: will rely exclusively on the Gulfport Pilots Association's written recommendation in each and every case and if favorable recommendation is not received the vessel will not be granted approval enter the Harbor or Channel.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

## **Section 500. S.O.P. for Employment.**

### **I. GENERAL**

#### **A. PURPOSE:**

~~The purpose of this instruction is to establish the procedure to be used when announcing position openings, selection method in seeking the most qualified applicants and after selection how they are processed for employment.~~

#### **B. SCOPE:**

~~This instruction defines the process, assigns responsibilities and delineates specific guidelines to be followed in the hiring of new employees.~~

#### **C. RESPONSIBILITIES:**

~~The responsibility for compliance with state and federal laws governing the hiring of employees for the MSPA rest with the Director of Administration and Finance through the Human Resources Officer and the appointed Americans with Disabilities Act (ADA) expert, (who may be the same person).~~

### **H. DISCUSSION**

~~The Mississippi State Port Authority at Gulfport is an equal opportunity employer and as such conforms to all laws governing equal opportunity to prospective employees throughout the hiring process.~~

~~For the purposes of this instruction, the Human Resources Officer (HRO) is the Americans with Disabilities Act (ADA) expert and is primarily responsible for insuring that MSPA is in compliance with the provisions of ADA in its hiring process.~~

#### **B. JOB APPLICATION PROCEDURE:**

~~1. Applicants seeking employment with MSPA will be processed by the Mississippi State Employment Office in accordance with our qualification requirements a copy of which will be attached to our memorandum requesting applicants to be sent to our HRO for interviewing. Our memorandum will show the following:~~

- ~~a. Type positions open~~
- ~~b. How many new employees needed~~
- ~~c. Time and date for interview~~
- ~~d. This is a entry level position and compensation will be paid accordingly, or as shown on the Position Qualification Form:~~
- ~~e. Probationary employment for six months.~~
- ~~f. Condition of employment is the satisfactory completion of a medical examination including controlled substance testing.~~

2. In case MSPA must expand the search outside of the Mississippi State Employment Office for applicants with special qualifications, the same procedures will be followed.

3. Applicants meeting our qualifications will be given every opportunity to receive fair treatment during the hiring process.

4. The H.R.O. will interview all applicants initially, after interviewing and rating each applicant, the top three applicants will be scheduled for interview by the supervisor of the vacant position. This interview will be conducted at the HRO office. Upon satisfactorily completing that interview, the applicants will be interviewed by the Department Director.

5. The department director, and the HRO will meet to review results of the interviewing process. The department director will make the final hiring selection from all applicants.

6. Requests for new hirings from within the MSPA will be made to the Human Resources Office. No one will initiate requests to the State Employment Office or any other office excepting the HRO. All requests will be made via the normal chain of command.

7. Upon receiving an approved request for a new hiring, the HRO will take the appropriate action and will keep informed all concerned with the hiring progress.

#### **PHYSICAL REQUIREMENTS FOR MISSISSIPPI STATE PORT AUTHORITY EMPLOYEES**

Semi-skilled and unskilled Labor

1. Lift a weight of 70 lbs. waist high and carry a distance of 20' six times per hour.

2. Climb a vertical caged ladder 40' within 2 minutes up to a height of 160'.

3. Exert a 70 lb. pull on a horizontal line.

4. Work in a confined space which by design has limited opening for ingress and egress or where movement is restricted, unfavorable natural ventilation which may not be intended for continuous human occupancy.

5. Work with vibrating equipment such as rivet guns or jack hammers.

6. Exert a force of 70 lbs. while pushing.

7. Throw an 8 oz. object a distance of 50'.

8. Work in sudden temperature changing areas such as freezer rooms or extreme heat.

9. Run a distance of 50' in 20 seconds.

10. Lift a weight of 40 lbs. overhead and hold for 10 seconds.

11. Work on equipment in excess of 100' in the air using Safety Equipment properly.

12. Use of full range peripheral vision to operate a crane, forklift and other mechanical equipment.

13. Vision corrected to 20/20.

14. Hearing—must be able to hear normal conversation spoken within a noise filled environment.

The minimum educational requirements for MSPA employees in the above positions are:

A. High School Diploma or GED, one or the other must be in hand when arriving for the initial interview with the Human Resources Officer.

B. Possess a valid Mississippi State Drivers License and a Social Security number or a Green Card.

### **Part 301 Chapter 35. Hurricane Readiness Procedures.**

**Rule 35.1 Introduction.** This document is intended to establish guidelines and procedures for personnel at the Mississippi State Port Authority at Gulfport ("Port Authority") before, during,

and after a tropical storm or hurricane striking in proximity to the Port pursuant to the Mississippi Emergency Management Law, §§ 33-15-1, et seq., of the Mississippi Code. The guidelines and procedures contained herein are not designed to handle every situation an employee may encounter during a tropical storm or hurricane. Considering the uncertainty and unpredictability associated with a tropical storm or hurricane, employees are encouraged to use their basic common sense, personal experience, and discretion in responding to specific situations. Accordingly, all guidelines and procedures contained herein shall be exercised in the discretion of Port Authority employees regardless of whether a particular provision purports to require or mandate certain action. The timelines for certain guidelines and procedures expressed herein assumes that sufficient notice of a potential tropical storm or hurricane is given so that such guidelines and procedures may be utilized, which may or may not be the circumstance with any given tropical storm or hurricane.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.2 Associated Policies and Procedures.**

Besides this Procedure, the following associated policies and procedures apply:

- A. Port Authority Terminal Tariff No. 56, as amended from time to time, or any successor tariff;
- B. Administrative Codes of the State of Mississippi;
- C. Port Authority Port Facility Security Plan; and
- D. Any conflict between these Hurricane Procedures and other agreements and regulations should be referred to the Executive Director for resolution.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

### **Rule 35.3 Oversight Responsibilities.**

The following are the general responsibilities of the Port Authority during a threat of a tropical storm or hurricane striking near the Port:

- A. **Executive Department** - Declare the emergency, coordinate intergovernmental activities, keep Board of Port Commissioners and the Mississippi Development Authority informed of all ongoing activities, and supervise overall emergency activities.
- B. **Trade and Development** - Establish a public information service, establish communications with Port Authority customers and assess their needs, and coordinate logistic services in support of recovery.



- C. **Finance & Administration** - Maintain the Port Authority's overall administration functions, human resource functions, and assist Port Authority employee family members.
- D. **Operations & Maintenance** - Maintain operations at the deepwater Harbor, maintain communication with the U.S. Coast Guard, monitor weather channels and stations and other broadcasts for notification of severe weather reports, implement this Hurricane Procedure, prepare for the threat of the tropical storm or hurricane striking near the Port, and report the status of the tropical storm or hurricane, and the Port Authority's preparations for same, to the Executive Director of the Port Authority.
- E. **Official MSPA Spokesperson**. The official spokesperson for the Port Authority during any emergency is the Executive Director.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 35.4 Conditions of Readiness.**

Hurricane Season begins on June 1st and extends through November 30th. Hurricane conditions are set by the U.S. Coast guard Captain of the Port ("COTP"), Mobile Area of Responsibility, and are used to alert the maritime community to changes that may need to be made in the port operations in preparation of an upcoming tropical storm or hurricane. The COTP will provide Maritime Safety Information Bulletins ("MSIB") to all port interest via fax or email whenever a tropical storm or hurricane is approaching or may affect the Port.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 35.5 MSPA Hurricane Readiness Designations.** The following designations described in Rule 35.8 will be used for describing the Port Authority's Hurricane Readiness Conditions.

{Display Table}

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 35.6 Cooperation with U.S. Coast Guard.** The U. S. Coast Guard (Mobile) will keep the Port Authority informed of the formation, path, and threat of a Hurricane or tropical storm. Besides the U.S. Coast Guard, the Port Authority will maintain contact with the Harrison County Civil Defense Office. A Port Emergency Action Team (PEAT) within the Coast Guard has been established to monitor and set storm conditions for the Port. The Port Authority will use the PEAT for assistance in the implementation of the Port Authority's hurricane preparations.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 35.7 Tenants' Hurricane Preparedness Requirement.**

Prior to Condition 5 (the duration of hurricane season), tenants are requested to review their own hurricane program, provide a copy of their program to the Port's Operations Department, and to be alert for hurricane warnings. Tenants should secure all non-utilized equipment and/or cargo in their respective leased areas during hurricane season.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 35.8 Condition-Related Preparation.**

As Hurricane Conditions are set by the Coast Guard, the Port Authority will make efforts to notify tenants and customers so that appropriate action can be taken:

**A. Hurricane Alert Condition Five (5) (Hurricane Season – Generally):**

1. Every effort should be made by tenants and customers to secure or remove non-utilized or non-essential equipment or products (e.g., pallets, gear, dunnage, etc.).
2. The Port Authority Deputy Director, Engineering, will make arrangements as necessary, based on the Deputy Director's discretion, for emergency services and equipment to be made available to the Port on a contingency basis.
3. The Deputy Director, Facilities, will make an inventory list of supplies, materials and equipment which, in the Deputy Director's discretion are necessary to perform any and all tasks called for in an emergency situation. The inventory list will be submitted to the Port's Finance and Administration Office for appropriate purchase.
4. The Deputy Director, Operations, will check the emergency communications equipment to verify that it is in a ready condition.
5. The Trade and Development Department will prepare an emergency contact list with the names and telephone numbers of key personnel to be distributed to the employees of the Port Authority for use during the recovery phase.

**B. Hurricane Alert Condition Four (4) (Hurricane force winds are possible within 72 hours):**

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 4 is in effect.

2. Port Authority employees will be assigned appropriate materials, equipment and supplies. The Director, Facilities, will, as he or she determines, procure any additional materials needed for the possible hurricane or tropical storm. The Finance and Administration Department will prepare and proceed with any and all purchases for supplies, materials, and equipment deemed necessary in the event of a hurricane.
3. The Operations Department will prepare a list of expected vessel arrivals and sailings. All expected vessel movements will be confirmed with the vessel masters, owners or agents. Vessels and tenants should complete cargo operations within 36 hours prior to the predicted landfall of the storm and be encourage to leave the Port.
4. The Trade and Development Department will make efforts notify the cargo interests and tenants at the Port to remove sensitive cargoes from the Port to a safe location.
5. Tenants and customers should submit a plan to the Port Authority for securing and/or removing equipment, containers and general cargoes.
6. The Deputy Director, Operations, will make efforts to contact the masters, owners and agents of ocean-going vessels at the Port and request that same vessels be removed to a safe haven. Masters, owners and agents of all ocean-going vessels and Coast Guard regulated barges must advise the Coast Guard and the Port Authority of their intentions and schedule for departing the Port. Vessels that desire to remain in Port must have approval from the Deputy Director, Operations, of the Port authority and provide a heavy weather mooring plan to the Coast Guard for approval.
7. The Operations Department will make efforts to notify ship owners and agents, Gulfport Towing and the Gulfport Pilot Association that any ocean-going vessel with an estimated time of arrival at the Port of less than 72 hours prior to predicted hurricane force winds should be directed elsewhere to seek shelter.
8. All cranes and conveyors will be secured with lashing.
9. A Command Center will be set up and manned in the Port Authority's Administration Offices to monitor the progress of the storm and to be a clearinghouse for all communications. Employees of the Port Authority and local emergency management officials will be notified of the location of the

Command Center.

10. The Administration and Finance Department shall prepare, as determined necessary within the discretion of same Department, for evacuation of the Port Authority's records. Computers and related equipment will be removed from the Operation and Maintenance buildings. Any transportation needed by the Administration and Finance Department for evacuation of records and/or equipment will be arranged by the Operations Department.

C. **Hurricane Alert Condition Three (3)** (Hurricane force winds are possible within 48 hours):

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 3 is in effect.
2. The Deputy Executive Director, Operations, will, within his discretion, notify service providers and contractors to stand by for contingent assignments at the Port and will distribute the Port Authority's vehicles and emergency equipment to assigned personnel as necessary.
3. No ocean-going vessel will be allowed into the Port after the setting of Hurricane Alert Condition 3.
4. The Deputy Director, Operations, will make efforts to contact the masters, owners and agents of ocean-going vessels at the Port and request that same vessels be removed to a safe haven. Masters, owners and agents of all ocean-going vessels and Coast Guard regulated barges must advise the Coast Guard and the Deputy Director, Operations, of the Port Authority of their intentions and schedule for departing the Port. Vessels that desire to remain in Port must have approval from the Port Authority and provide a heavy weather mooring plan to the Coast Guard for approval.
5. Upon recommendation of the Deputy Director, Operations, and in consultation with PEAT, the Executive Director may order vessels to evacuate the Port despite the vessel master's, owner's or agent's desire to remain in Port. If an evacuation is not ordered or a vessel cannot evacuate, the Deputy Directors of Engineering and Operations in consultation with PEAT and the vessel's master, owner and/or agent will establish a storm mooring system for the vessel which must be approved by the Coast Guard.

6. The Trade and Development Department will make efforts to notify tenants and customers at the Port to secure and/or remove their equipment, containers and general cargoes.
7. The Maintenance Department will tape or board up the windows and glass doors to the Port Authority's offices.
8. Cargo operations will be ordered to end by the Operations Department of the Port Authority prior to the entry of Condition 2.
9. The Deputy Director Operations, or his or her designee, will make efforts to inspect Port areas and finalize preparations for the storm. Refrigeration equipment in the chillers and freezers will be secured within the buildings. Upon completion of the inspection and any remaining cargo operations, the Deputy Director, Operations, or the Executive Director will declare the Port closed to all personnel and vessels. The Harrison County Civil Defense Center shall be contacted indicating that the Port is closed.

**D. Hurricane Alert Condition Two (2)** (Hurricane force winds are possible within 24 hours):

1. The Operations Department will make efforts to notify tenants, stevedore companies, vessel masters, owners and agents in the main harbor, and Port Authority personnel that Condition 2 is in effect.
2. The Mississippi Gaming Commission shall be notified that the Port has declared Condition 2.
3. Emergency communications will be established between Harrison County Civil Defense and designated Port Authority personnel. The Port Authority will man the Center at the Harrison County Civil Defense Center on a 24-hour basis.
4. It is anticipated that the Harrison County Civil Defense will require the evacuation of all persons south of Highway 90.

**E. Hurricane Alert Condition One (1)** (Hurricane force winds are possible within 12 hours):

1. Emergency communications will continue with the Harrison County Civil Defense Headquarters. The Harrison County Civil Defense Headquarters shall be provided names of any personnel remaining at the Port and the names of vessels and their owners, agents and crews remaining on a vessel.

2. The Finance and Administration Department will contact all Port Commissioners, officers, and employees to find out their availability for post-storm recovery actions. A full list of names and telephone numbers of Port Commissioners, directors, and employees will be supplied to the Port's representative at the Civil Defense Headquarters, and the Port Authority Executive Director and Deputy Director, Operations.
3. It is anticipated that the Coast Guard will order that all waterways in the Mobile Area of Responsibility be secured.

**F. Hurricane Arrival:**

1. The Port's designated representatives at the Harrison County Civil Defense Headquarters are to maintain regular contact with key personnel of the Port Authority by telephone or by cellular phone if possible.
2. All Port Authority officers and employees will comply with all directions provided by the Harrison County Civil Defense Headquarters.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

**Rule 35.9 Administrative Offices and Other Port Authority Offices.**

- A. **Office Preparation.** The Mississippi State Port Authority administrative offices are at One Hancock Plaza, 14th floor, Gulfport, Mississippi. The Deputy Director, Finance, will be responsible for securing the Port Authority offices at this location. Similar procedures should be followed by all other Deputy Directors for each of their respective offices.
- B. **Office Preparation Procedures.** These suggested procedures are to be guidelines for office personnel in preparation for a storm:
  1. Desktops, shelves and work tables are to be completely clear of objects (paper and desk items may be placed in desk drawers).
  2. Computers and printers are to be moved away from windows, labeled, placed in double plastic bags, and placed in interior office areas.
  3. Telephones are to be unplugged, wrapped in plastic bags and stored in desks or file cabinets.

4. Small personal objects (e.g., wall pictures, coffee cups, lamps, etc.) are to be stored in desks or file cabinets.
5. File cabinets are to be moved away from exterior walls and if possible moved to an interior area.
6. Office doors are to be closed.
7. Official documents, personnel files, agreements, contracts, permits, and other critical Port Authority documents are to be placed in fire proof cabinets.
8. All items being moved to interior areas are to be clearly labeled for ease of identification upon return to the offices.
9. In cases of forecasted Category 3 or greater hurricanes, Port Authority office equipment located on Terminals will be placed in a marine container and moved to a designated offsite location. The Deputy Director, Operations, will be responsible for providing the Finance and Administration Department with a marine cargo container and transportation for the evacuation of the office materials, supplies, and equipment. Materials, supplies, tools, and equipment that may be necessary for recovery should be evacuated to an offsite location.

Source: Mississippi Code §§ 59-1-1, 59-1-9 and 59-5-21

#### **Rule 35.10 Aftermath and Recovery.**

Following a tropical storm or hurricane striking near the Port, the mission of the Port Authority is to:

- A. First, help local, state, and federal emergency agencies in the immediate protection of life and safety of the public. Second, with the assistance of appropriate State and Federal Agencies, reestablish commercial, deepwater cargo activities at the facilities of the Port. Third, reestablish other business activities at the Port.
- B. Following a hurricane or tropical storm striking near the Port, all employees of the Authority will attempt to contact the Port Authority's Command Center within six hours of the storm passing inland. All employees are expected to return to work as soon as practical and feasible, but should exercise caution in traveling back to work. All employees are needed as soon as possible for recovery efforts; therefore, employees should attempt to contact the Port Authority Command Center for recovery effort schedule

information. Each employee will be provided with an emergency contact list to use as needed prior to and after the storm.

C. The following recovery process will be followed for placing the Port back into operation:

1. The Port Authority personnel at the Harrison County Civil Defense Headquarters will establish communications with the Executive Director, Deputy Directors, and the Temporary Command Center.
2. The Executive Director, all senior Directors, and consulting engineers will assemble at the Port Authority's Temporary Command Center as soon as possible following the storm passing inland. Any member unable to travel to the Command Center will contact the Center by telephone, if possible.
3. Communications will be reestablished with the Coast Guard COTP, Mobile, the Coast Guard Aids to Navigation Office in Mobile and the Arm Corp of Engineers in Mobile to coordinate with PEAT and in consultation with the Gulfport Pilots' Association.
4. The Operations Department and representatives will as soon as possible report to the main East and West Gates at the Port. No one will be allowed to enter the Port Authority without prior approval of a director of the Port Authority or the Harrison county Civil Defense. Engineering and maintenance personnel will as soon as possible report to the West Terminal Operations Offices for job assignments in conducting a full condition survey of the Port.
5. When possible, a full condition survey will be made of all Port facilities and navigation leading to and from the Port. The results of this condition survey need to be transmitted to the Command Center immediately after its completion. The Port will be reopened to inbound and outbound traffic at the completion of the survey and when the Coast Guard and the Gulfport Pilot Association deem the channel safe for transit. Should a tropical storm or hurricane restrict navigation in or around the Port, the Coast Guard is to be informed so that a Notice to Mariners may be issued indicating same.
6. The Executive Director or his designee will establish contact with appropriate Municipal, County, State and Federal authorities to seek assistance for early reactivation of the Port and to offer



assistance when possible.

7. A special meeting of the Board of Port Commissioners will be called when practical to review damage reports and plans for restoration of Port operations.

Source: Miss. Code Ann. §§ 59-1-1, 59-1-9, 59-5-5, and 59-5-21

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